NO. 4

JOURNAL

OF THE

SENATE

OF THE

STATE OF SOUTH CAROLINA

REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

THURSDAY, JANUARY 16, 2025
Thursday, January 16, 2025
(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 PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Colossians 3:13-14

We read that the apostle Paul declares: "Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. And over all these virtues put on love, which binds them together in perfect unity."

Friends, join your heart with mine as we pray: Holy God, such a divisive and fractious period of history do we find ourselves living in. Hour after hour it seems new stories appear that remind us how divided the people of the world remain. And of course, sadly, that is so very true of us here in South Carolina, as well. Indeed, in our own towns and cities, in our own neighborhoods, we see again and again how fragile our human relationships actually are. So our prayer today, dear Lord, is that every Senator and staff member serving in this Body -- truly, may all of us -- become known this year as our Savior's servants, women and men who tirelessly labor to promote peacefulness and unity at every level. In the name of our loving Lord do we humbly pray. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Corbin
Cromer	Davis	Devine
Elliott	Fernandez	Gambrell
Garrett	Goldfinch	Graham
Grooms	Hembree	Jackson
Kennedy	Kimbrell	Leber
Massey	Matthews	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs

Sutton	Turner	Verdin
Walker	Williams	Young
Zell		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

William Rhoad IV, Esquire, Post Office Box 508, Bamberg, SC 29003
VICE John R. Blocker

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Joanna Elizabeth Summey Hayes, 5051 Spaniel Dr. North, North Charleston, SC 29405

Leave of Absence

On motion of Senator SABB, at 11:06 A.M., Senator HUTTO was granted a leave of absence.

Leave of Absence

On motion of Senator SABB, at 11:10 A.M., Senator TEDDER was granted a leave of absence for today.

Leave of Absence

At 11.07 A.M., Senator VERDIN requested a leave of absence for Tuesday, January 28, 2025.

Leave of Absence

At 11.07 A.M., Senator VERDIN requested a leave of absence for Tuesday, February 4, 2025.

Leave of Absence

On motion of Senator MASSEY, at 1:08 P.M., Senator NUTT was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MASSEY, at 1:08 P.M., Senator MARTIN was granted a leave of absence for today.

Leave of Absence

On motion of Senator M. JOHNSON, at 1:08 P.M., Senator ADAMS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 1:08 P.M., Senator DEVINE was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator CASH rose for an Expression of Personal Interest.

Remarks by Senator CASH

Normally I would wait to make these comments but next week, we're going to be in perfunctory, we will not be in session, so I rise now to recognize January 22, 1973. The day the Supreme Court of the United States handed down the Roe v. Wade decision, legalizing the killing of unborn children in the mother's womb. It proved to be one of the most, if not the most controversial and far-reaching Supreme Court decisions in the history of this Nation. How far-reaching you say? Well, the numbers we have available tell us between 1973 and 2022, 63 million unborn children were killed by abortion. That is the number before us. I want you to think about the multiplier effect. If any of you sitting in here have been born since 1973 you are part of the pro-life community, who we would call the survivor generation. If you have been born since 1973, you should understand that 25% to 33% of your generation was killed by abortion. If you've been born since 1973 and you have children, well, if you hadn't survived abortion, you wouldn't have those children. The second generation of those killed by abortion is now missing. I submit to you when we talk about how many human lives have been lost as a result of that Supreme Court decision, we are talking about over 100 million lives lost because of the Roe v. Wade decision.

On June 24, 2022, the Supreme Court handed down the Dobbs decision, which overturned Roe. That decision was the result, culmination of a 40-year effort in the Republican party to elect Republican presidents who would then appoint justices to the Supreme Court that were originalists, textualists and strict constructionist in their philosophy of constitutional interpretation. If you remember two and a

half years ago the General Assembly went into special session to respond to the Dobbs decision and the South Carolina House passed the Human Life Protection Act and sent it over to the Senate. It failed in the Senate to get the necessary twenty-six votes to pass. Though thirty Republicans sat in this Body. In the spring of 2023, the General Assembly passed the second Heartbeat Bill, now the law of South Carolina. It should be noted that the House in 2023 passed the second Human Life Protection Act. Among Republicans the vote was eighty-three to one in the House for the Human Life Protection Act and once again came over to the Senate and once again it failed.

So now we fast forward to 2025, as a result of recent elections we have a better opportunity than ever, if in fact, we truly believe a human life begins at conception and deserves the legal protection of civil government because now we have stronger pro-life Senators and now, we have more Republican Senators. Not thirty but thirty-four so I submit to my colleagues we should not rest until this job is done -- pass a Human Life Protection Act, similar to the one that's failed twice in this Body. I can promise you this, I believe it should be our number one priority. I believe it is our moral duty to protect innocent human life and is incumbent upon all of us to make sure that this issue of life is not consigned to the back burner but takes its rightful place on the front burner until we get the job done.

On motion of Senator LEBER, with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 28	Sens. Devine, Adams, Young, Garrett, Elliott, Turner, Ott and Graham
S. 29	Sen. Devine, Adams, Young, Garrett, Elliott, Turner, Ott and Graham
S. 53	Sen. Goldfinch
S. 61	Sens. Campsen and Leber
S. 74	Sens. Elliott, Garrett, Ott, Kimbrell and Graham
S. 103	Sen. Stubbs
S. 157	Sen. Graham
S. 170	Sen. Kimbrell
S. 199	Sen. Leber
S. 204	Sen. Zell
S. 211	Sen. Zell

S. 240 Sen. Kimbrell

RECALLED AND COMMITTED

S. 61 -- Senators Bennett, Hutto, Rice, Campsen and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1 OF CHAPTER 23, TITLE 50, RELATING TO THE TITLING OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO DELETE THE REQUIREMENT THAT OUTBOARD MOTORS BE TITLED; BY AMENDING SECTION 50-23-345, RELATING TO A TEMPORARY CERTIFICATE OF NUMBER, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-23-375, RELATING TO A VALIDATION DECAL, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-37-3210, RELATING TO TAX NOTICES FOR BOATS AND BOAT MOTORS, SO AS TO MAKE A CONFORMING CHANGE; AND BY ADDING ARTICLE 5 TO CHAPTER 23, TITLE 50 SO AS TO PROVIDE FOR THE REGISTRATION OF WATERCRAFT AND OUTBOARD MOTORS.

On motion of Senator CAMPSEN, with unanimous consent, the Bill was recalled from the Committee on Fish, Game and Forestry and committed to the Committee on Finance.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 229 -- Senator Ott: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF MARGARET MILDRED ELLIS-LARRYMORE AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.
sr-0203km-vc25.docx

The Senate Resolution was adopted.

S. 230 -- Senator Ott: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF DEACONESS LOUISE SEAWRIGHT MYERS, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.
lc-0139hdb-rm25.docx

The Senate Resolution was adopted.

S. 231 -- Senator Martin: A SENATE RESOLUTION TO CONGRATULATE THE BROOME HIGH SCHOOL GIRLS STRENGTH TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH CAROLINA CLASS 3A STATE CHAMPIONSHIP.
sr-0084km-hw25.docx

The Senate Resolution was adopted.

S. 232 -- Senators Young, Adams, Alexander, Allen, Bennett, Blackmon, Campsen, Cash, Chaplin, Climer, Corbin, Cromer, Davis, Devine, Elliott, Fernandez, Gambrell, Garrett, Goldfinch, Graham, Grooms, Hembree, Hutto, Jackson, Johnson, Kennedy, Kimbrell, Leber, Martin, Massey, Matthews, Nutt, Ott, Peeler, Rankin, Reichenbach, Rice, Sabb, Stubbs, Sutton, Tedder, Turner, Verdin, Walker, Williams and Zell: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF CHARLES "MARSHALL" CAIN AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.
sr-0200km-vc25.docx

The Senate Resolution was adopted.

S. 233 -- Senator Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS OF TERMS USED IN THE "SEXUALLY VIOLENT PREDATOR ACT," SO AS TO REDEFINE "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE."
lc-0136vr25.docx

Read the first time and referred to the Committee on Medical Affairs.

S. 234 -- Senators Leber, Fernandez, Elliott, Cash, Blackmon and Kennedy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-1120, RELATING TO GROSS INCOME, COMPUTATION OF GROSS INCOME, AND MODIFICATIONS TO GROSS INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO EXCLUDE TIPS FROM THE COMPUTATION OF SOUTH CAROLINA GROSS, AND TO DEFINE TIPS.
sr-0176km25.docx

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

S. 235 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, SO AS TO REVISE THE STATUTE TO PROHIBIT PROSTITUTION BY A PROSTITUTED PERSON AND TO INCREASE THE PENALTY FOR VIOLATIONS; BY AMENDING SECTION 16-15-100, RELATING TO PROSTITUTION, SO AS TO REVISE THE STATUTE TO PROHIBIT CERTAIN ACTIONS RELATED TO A PERSON WHO SOLICITS CUSTOMERS FOR A PROSTITUTED PERSON AND TO INCREASE THE PENALTY FOR VIOLATIONS; BY AMENDING SECTION 16-15-110, RELATING TO VIOLATIONS FOR PROSTITUTION, SO AS TO REVISE THE STATUTE TO PROHIBIT A PERSON FROM SOLICITING A PROTITUTED PERSON.
sr-0191km25.docx

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

S. 236 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-1250, RELATING TO SUPERVISION OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO INCREASE THE NUMBER OF ANESTHESIOLOGIST'S ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; AND BY AMENDING SECTION 40-47-1240, RELATING TO LICENSURE OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO REMOVE THE REQUIREMENT THAT LICENSURE APPLICANTS MUST APPEAR BEFORE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS AND PRESENT EVIDENCE OF CERTAIN RELEVANT ACADEMIC CREDENTIALS AND KNOWLEDGE.
sr-0161km25.docx

Read the first time and referred to the Committee on Medical Affairs.

S. 237 -- Senators Rankin, Sabb and Garrett: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2025, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, UPON HER ELECTION TO THE SUPREME COURT, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 4, WHICH

WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT, SEAT 2, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2030; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER APPOINTMENT TO THE UNITED STATES COURT OF APPEALS, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2031; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, SEAT 2, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2030; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, ELEVENTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2025, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2030; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SIXTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON FEBRUARY 14, 2025, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 7, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 14, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 15, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 16, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT,

FIRST JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SECOND JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON APRIL 30, 2025, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SECOND JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2025, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE, WHICH WILL EXPIRE ON JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 2, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2025, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2031; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, EIGHTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS ELECTION TO THE COURT OF APPEALS, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2031; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, EIGHTH JUDICIAL

CIRCUIT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 4, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, ELEVENTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, ELEVENTH JUDICIAL CIRCUIT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 6, UPON HER ELECTION TO THE CIRCUIT COURT, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTEENTH JUDICIAL CIRCUIT, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 1, WHICH WILL EXPIRE ON JUNE 30,

2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 2, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 4, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 5, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 6, WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 2, UPON HIS ELECTION TO THE CIRCUIT COURT, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2027; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHICH WILL EXPIRE ON JUNE 30, 2025.

sj-0001ec-ec25.docx

Senator RANKIN spoke on the Resolution.

The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 238 -- Senators Alexander, Peeler, Massey and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-1-180, RELATING TO ADJOURNMENT OF GENERAL ASSEMBLY AND CONDITIONS FOR EXTENDED SESSION, SO AS TO PROVIDE THAT THE DATE FOR SINE DIE ADJOURNMENT IS AUTOMATICALLY EXTENDED IF THE HOUSE OF REPRESENTATIVES DOES NOT GIVE THIRD READING TO THE ANNUAL APPROPRIATIONS ACT ON OR BEFORE MARCH TENTH, SO AS TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY CALL THEIR RESPECTIVE BODIES INTO SESSION AFTER THE SINE DIE ADJOURNMENT DATE TO FINISH ANY UNFINISHED BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION, TO PROVIDE THE TIME PERIOD DURING WHICH THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE CALLED BACK TO COMPLETE THE UNFINISHED

BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION; AND TO PROVIDE FOR THE TOLLING OF THE ONE-HUNDRED-TWENTY-DAY PERIOD THAT THE GENERAL ASSEMBLY HAS TO REVIEW STATE REGULATIONS.
sr-0199km25.docx

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

S. 239 -- Senators Cash and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-1-80 SO AS TO PROVIDE THAT A PROPERTY OWNER MAY REQUEST FOR THE IMMEDIATE REMOVAL OF A PERSON UNLAWFULLY OCCUPYING A RESIDENTIAL DWELLING AND TO PROVIDE FOR A COMPLAINT FORM; AND BY ADDING SECTION 16-11-40 SO AS TO PROVIDE PENALTIES FOR A PERSON WHO UNLAWFULLY DETAINS OR OCCUPIES RESIDENTIAL PROPERTY.
sr-0144km25.docx

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

S. 240 -- Senators Cash, Kimbrell and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA PARENTAL RIGHTS TO AFFIRM BIOLOGICAL SEX IN CHILD WELFARE AND PLACEMENT ACT"; AND BY ADDING SECTION 63-7-50 SO AS TO ENCOURAGE CHILDREN TO IDENTIFY WITH THEIR BIOLOGICAL SEX BY REQUIRING COURTS AND AGENCIES TO CONSIDER A CHILD'S BIOLOGICAL SEX AS A POSITIVE FACTOR IN CHILD WELFARE PROCEEDINGS, TO PROVIDE THAT PARENTS AND LEGAL GUARDIANS HAVE THE RIGHT TO ENCOURAGE A CHILD TO ALIGN WITH THEIR BIOLOGICAL SEX, INCLUDING IN MAKING MEDICAL DECISIONS, AND TO OFFER PROTECTIONS FOR EXERCISING THIS RIGHT, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES AND FAMILY COURT SYSTEM TO DEVELOP POLICIES AND THE DEPARTMENT OF SOCIAL SERVICES TO SUBMIT ANNUAL REPORTS, AND TO DEFINE NECESSARY TERMS.
sr-0142km25.docx

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

S. 241 -- Senators Cash, Corbin and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ELIMINATE THE MARRIAGE TAX PENALTY ACT"; AND BY ADDING SECTION 12-6-525 SO AS TO ALLOW MARRIED TAXPAYERS WHO FILE A JOINT FEDERAL RETURN TO CALCULATE THEIR AMOUNT OF SOUTH CAROLINA INCOME TAX OWED FOR THE TAX YEAR AS THOUGH EACH TAXPAYER FILED A RETURN AS A SINGLE TAXPAYER IF THE TAXPAYERS' CUMULATIVE TAX OWED WOULD BE LESS THAN THE AMOUNT THEY WOULD OWE HAD THEY FILED A JOINT RETURN.
sr-0143km25.docx

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

S. 242 -- Senator Cash: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-5-340, RELATING TO THE RIGHTS OF MINORS SIXTEEN YEARS OR OLDER TO CONSENT TO HEALTH SERVICES ESSENTIAL TO THEIR LIFE OR HEALTH, SO AS TO PROVIDE THAT PARENTS HAVE THE FUNDAMENTAL RIGHT TO DIRECT THE UPBRINGING, EDUCATION, AND CARE OF THEIR MINOR CHILDREN, TO PROVIDE THESE RIGHTS EXTEND TO HEALTHCARE DECISIONS CONCERNING THE MINORS AND ACCESS TO THEIR MEDICAL RECORDS, AND TO PROVIDE THE STATE MAY NOT SUBSTANTIALLY BURDEN THESE RIGHTS EXCEPT IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 63-5-350, RELATING TO HEALTH SERVICES THAT MAY BE RENDERED TO MINORS WITHOUT PARENTAL CONSENT, SO AS TO PROVIDE THAT HEALTHCARE PROVIDERS MUST OBTAIN PARENTAL CONSENT BEFORE PROCURING, PROVIDING, OR RENDERING HEALTHCARE FOR A MINOR EXCEPT IN CERTAIN CIRCUMSTANCES, TO PROHIBIT THE ENCOURAGEMENT OR COERCION OF MINORS TO WITHHOLD INFORMATION FROM A PARENT ABOUT THE HEALTH OF THE CHILD, TO PROVIDE PARENTS MAY ASSERT PROVISIONS OF THIS ACT AS CLAIMS OR DEFENSES IN CERTAIN JUDICIAL OR ADMINISTRATIVE PROCEEDINGS SUBJECT TO A STATUTE OF LIMITATIONS, TO PROVIDE REMEDIES, TO PROVIDE THE ATTORNEY GENERAL MAY BRING ACTIONS TO ENFORCE PROVISIONS OF THIS ACT, AND

TO DEFINE NECESSARY TERMS; AND BY REPEALING SECTION 63-5-370 RELATING TO CONSENT NOT SUBJECT TO DISAFFIRMANCE.

sr-0145km25.docx

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

S. 243 -- Senator Cash: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "PARENTAL RIGHTS IN EDUCATION ACT"; BY ADDING ARTICLE 3 TO CHAPTER 28, TITLE 59, SO AS TO RECOGNIZE THAT PARENTS HAVE THE ULTIMATE RESPONSIBILITY TO DIRECT THE UPBRINGING, EDUCATION, HEALTHCARE, AND MENTAL HEALTH OF THEIR CHILDREN, TO PROHIBIT THE STATE FROM SUBSTANTIALLY BURDENING THOSE PARENTAL RIGHTS, TO REQUIRE THE STATE TO OBTAIN PARENTAL CONSENT IN CERTAIN CIRCUMSTANCES, TO CREATE A CAUSE OF ACTION FOR VIOLATION OF THE CHAPTER, AND TO PROVIDE NECESSARY DEFINITIONS; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 28, TITLE 59, AS ARTICLE 1 ENTITLED "GENERAL PROVISIONS."

sr-0140km25.docx

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

S. 244 -- Senators Massey, Alexander, Rice, Turner, Climer, Williams and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-38-15, RELATING TO THE APPORTIONMENT OF PERCENTAGES OF FAULT AND ALCOHOLIC BEVERAGE OR DRUG EXCEPTIONS, SO AS TO PROVIDE THAT A JURY OR THE COURT SHALL DETERMINE THE PERCENTAGE OF FAULT OF THE CLAIMANT, THE DEFENDANT, AND OF ANY NONPARTY WHOSE ACT OR OMISSION WAS A PROXIMATE CAUSE OF THE CLAIMANT'S ALLEGED DAMAGES; BY REPEALING SECTION 15-38-20 RELATING TO RIGHT OF CONTRIBUTION; BY REPEALING SECTION 15-38-30 RELATING TO FACTORS DETERMINING PRO RATA LIABILITY OF TORTFEASORS; BY REPEALING SECTION 15-38-40 RELATING TO ACTIONS FOR CONTRIBUTION; BY ADDING SECTION 15-3-710 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 15-3-720 SO AS TO PROVIDE THAT AN INDIVIDUAL IS PROHIBITED FROM RECOVERING

DAMAGES IF THE INDIVIDUAL KNOWINGLY RIDES AS A PASSENGER IN A VEHICLE OPERATED BY A DRIVER WHO IS VISIBLY INTOXICATED OR WHOM THE INDIVIDUAL KNEW OR SHOULD HAVE KNOWN WOULD BECOME INTOXICATED; BY ADDING SECTION 15-3-730 SO AS TO PROVIDE THAT THE CLERK OF COURT SHALL FORWARD A COPY OF THE COMPLAINT AND JUDGEMENT TO THE DEPARTMENT OF REVENUE UPON ENTERING JUDGMENT AGAINST A LICENSEE; BY AMENDING SECTION 61-4-580, RELATING TO PROHIBITED ACTS, SO AS TO PROVIDE FOR CIVIL LIABILITY; BY AMENDING SECTION 61-4-590, RELATING TO REVOCATION OR SUSPENSION OF PERMITS AND DEPARTMENT INVESTIGATION AND DETERMINATION, SO AS TO PROVIDE THAT THE DEPARTMENT MAY REVOKE OR SUSPEND A PERMIT ON ITS OWN INITIATIVE UPON RECEIPT OF A COMPLAINT AND JUDGMENT; BY ADDING SECTION 61-3-100 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 61-3-110 SO AS TO PROVIDE REQUIREMENTS FOR TRAINING SERVER AND MANAGER TRAINING; BY ADDING SECTION 61-3-120 SO AS TO PROVIDE FOR THE CREATION OF AND APPROVAL OF TRAINING PROGRAMS; BY ADDING SECTION 61-3-130 SO AS TO PROVIDE FOR THE ISSUANCE OF ALCOHOL SERVER CERTIFICATES; BY ADDING SECTION 61-3-140 SO AS TO PROVIDE FOR THE RENEWAL OF A PERMIT OR LICENSE; BY ADDING SECTION 61-3-150 SO AS TO PROVIDE FOR THE ENFORCEMENT OF RELEVANT PROVISIONS; BY ADDING SECTION 61-3-160 SO AS TO PROVIDE PENALTIES; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS SO AS TO PROVIDE FOR THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; BY AMENDING SECTION 61-6-2220, RELATING TO SALES TO INTOXICATED PERSONS, SO AS TO PROVIDE THAT A PERSON OR ESTABLISHMENT LICENSED TO SELL ALCOHOLIC LIQUORS OR LIQUOR BY THE DRINK PURSUANT TO THIS ARTICLE MAY NOT KNOWINGLY PROVIDE THESE BEVERAGES TO AN INTOXICATED PERSON; BY AMENDING SECTION 38-90-20, RELATING TO LICENSING, REQUIRED INFORMATION AND DOCUMENTATION, FEES, AND RENEWAL, SO AS TO INCLUDE LIQUOR LIABILITY INSURANCE; BY AMENDING SECTION 61-2-145, RELATING TO

THE REQUIREMENT OF LIABILITY INSURANCE COVERAGE, SO AS TO PROVIDE LIMITS; BY AMENDING SECTION 61-2-145, RELATING TO THE REQUIREMENT OF LIABILITY INSURANCE COVERAGE, SO AS TO PROVIDE THAT AN INSURER SHALL NOTIFY THE DEPARTMENT IF A PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION EXCEEDS ITS AGGREGATE LIMIT PRIOR TO THE EXPIRATION OF THE POLICY; BY AMENDING SECTION 15-3-670, RELATING TO CIRCUMSTANCES IN WHICH LIMITATIONS PROVIDED BY SECTIONS 15-3-640 THROUGH 15-3-660 ARE NOT AVAILABLE AS DEFENSE, SO AS TO PROVIDE THAT A VIOLATION IS CONSIDERED MATERIAL ONLY IF IT EXISTS WITHIN A COMPLETED BUILDING, STRUCTURE, OR FACILITY WHICH HAS RESULTED IN PHYSICAL HARM TO A PERSON OR SIGNIFICANT DAMAGE TO THE PERFORMANCE OF A BUILDING OR ITS SYSTEMS; BY AMENDING SECTION 56-5-6540, RELATING TO PENALTIES, SO AS TO PROVIDE THAT A VIOLATION IS ADMISSIBLE AS EVIDENCE OF COMPARATIVE NEGLIGENCE; BY ADDING SECTION 15-7-65 SO AS TO PROVIDE THAT A CIVIL ACTION TRIED AGAINST AN UNKNOWN DEFENDANT MUST BE TRIED IN THE COUNTY WHERE THE CAUSE OF ACTION AROSE; BY AMENDING SECTION 38-77-150, RELATING TO UNINSURED MOTORIST PROVISIONS, SO AS TO PROVIDE THAT THE UNINSURED MOTORIST PROVISION IS NOT REQUIRED TO INCLUDE COVERAGE FOR PUNITIVE OR EXEMPLARY DAMAGES; BY AMENDING SECTION 38-77-160, RELATING TO ADDITIONAL UNINSURED MOTORIST COVERAGE, SO AS TO PROVIDE THAT AUTOMOBILE INSURANCE CARRIERS ARE NOT REQUIRED TO INCLUDE COVERAGE FOR PUNITIVE OR EXEMPLARY DAMAGES IN THE MANDATORY OFFER OF UNDERINSURED MOTORISTS COVERAGE; BY AMENDING SECTION 15-78-30, RELATING TO DEFINITIONS, SO AS TO DEFINE OCCURRENCE; BY AMENDING SECTION 15-32-220, RELATING TO NONECONOMIC DAMAGES LIMIT AND EXCEPTIONS, SO AS TO PROVIDE GUIDELINES FOR INTENT TO HARM, FELONY CONVICTIONS, AND INFLUENCE OF ALCOHOL AND OTHER DRUGS; AND BY ADDING SECTION 38-59-23 SO AS TO PROVIDE FOR ACTIONS FOR BAD FAITH INVOLVING A LIABILITY.

sr-0163km25.docx

Senator MASSEY spoke on the Bill.

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

S. 245 -- Senators Massey, Rice, Reichenbach and Garrett: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

sr-0202km-km25.docx

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

H. 3723 -- Reps. M. M. Smith, G. M. Smith, Pope, Hiott, Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Sessions, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF JANUARY 19 - 25, 2025, AS NATIONAL MEDICOLEGAL DEATH INVESTIGATION PROFESSIONALS WEEK IN THE STATE OF SOUTH CAROLINA IN HONOR OF THE SOUTH CAROLINA CORONERS' ASSOCIATION AND THE CORONERS, DEPUTY CORONERS, AND MEDICOLEGAL DEATH INVESTIGATION PROFESSIONALS WHO SERVE OUR CITIZENS EVERY DAY.

lc-0054ha-gm25.docx

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

H. 3724 -- Reps. Hixon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS (FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 15 - 22, 2025.
lc-0135vr-rm25.docx

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

H. 3725 -- Reps. Sanders, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long,

Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Schuessler, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE T.L. HANNA HIGH SCHOOL GIRLS GOLF TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM ON WINNING THE 2024 SOUTH CAROLINA CLASS AAAAA DIVISION II STATE CHAMPIONSHIP TITLE.

lc-0149sa-rm25.docx

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3726 -- Reps. Sanders, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Schuessler, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE T.L. HANNA HIGH SCHOOL BOYS GOLF TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2024 CLASS AAAAA STATE CHAMPIONSHIP TITLE AND TO SALUTE THEM ON A FABULOUS SEASON.

lc-0113cm-rm25.docx

The Concurrent Resolution was adopted, ordered returned to the House.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, CARRIED OVER

S. 62 -- Senators Hembree, Rice and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-8-110, RELATING TO DEFINITIONS, SO AS TO DEFINE NECESSARY TERMS; BY AMENDING SECTION 59-8-115, RELATING TO THE STANDARD APPLICATION PROCESS, SO AS TO PROVIDE REQUIREMENTS FOR STUDENTS AND SCHOOLS SEEKING TO PARTICIPATE IN THE PROGRAM; BY AMENDING SECTION 59-8-120, RELATING TO ADMINISTRATION OF THE FUND, SO AS TO PROVIDE FOR THE ADMINISTRATION OF THE K-12 EDUCATION LOTTERY SCHOLARSHIP; BY AMENDING SECTION 59-8-125, RELATING TO FUNDS TO CREATE, OVERSEE, AND ADMINISTER PROGRAM, SUSPENSION OF ACCOUNTS, UNUSED FUNDS, AND TERMINATION OF SCHOLARSHIPS, SO AS TO APPROPRIATE FUNDS FOR THE SCHOLARSHIP PROGRAM FROM THE SOUTH CAROLINA EDUCATION LOTTERY ACCOUNT; BY AMENDING SECTION 59-8-130, RELATING TO TERMINATION OF SCHOLARSHIP STUDENTS' PROGRAMS AND NOTIFICATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-8-135, RELATING TO LIMITATIONS ON SCHOLARSHIPS, SO AS TO PROVIDE LIMITATIONS ON THE NUMBER OF SCHOLARSHIPS THAT MAY BE AWARDED; BY AMENDING SECTION 59-8-140, RELATING TO THE APPLICATION APPROVAL PROCESS FOR EDUCATION SERVICE PROVIDERS, SO AS TO PROVIDE THAT AN EDUCATION SERVICE PROVIDER MUST CERTIFY ANNUALLY TO THE DEPARTMENT THAT IT MEETS ALL PROGRAM REQUIREMENTS; BY AMENDING SECTION 59-8-145, RELATING TO PROCEDURES TO INFORM STUDENTS AND THEIR PARENTS OF ELIGIBILITY AND APPROVED EDUCATION SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-8-150, RELATING TO REQUIREMENTS FOR EDUCATION SERVICE PROVIDERS, DEPARTMENT, AND EDUCATION OVERSIGHT COMMITTEE, SO AS TO PROVIDE THAT THE SURETY BOND IS

REQUIRED OF EDUCATION SERVICE PROVIDERS WHO EXCEED FIFTY THOUSAND DOLLARS IN QUALIFYING EXPENSES AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-8-160, RELATING TO THE K-12 EDUCATION LOTTERY SCHOLARSHIP REVIEW PANEL, SO AS TO PROVIDE FOR ITS COMPOSITION AND PURPOSES; BY AMENDING SECTION 59-8-165, RELATING TO STUDENT TRANSFER POLICY, SO AS TO CLARIFY STUDENT TRANSFER REQUIREMENTS; BY AMENDING SECTION 59-8-170, RELATING TO IMMEDIATE PARTICIPATION IN A SPORT BY A TRANSFER SCHOLARSHIP STUDENT, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59-150-350, RELATING TO EDUCATION LOTTERY ACCOUNT MANAGEMENT, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Amendment No. 1

Senator HEMBREE proposed the following amendment (SEDU-62.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-8-115(A) and inserting:

(A) The department shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the ~~Education Scholarship Trust Fund program~~K-12 education lottery scholarship program. ~~The application window established shall last at least forty-five days, opening no earlier than January fifteenth and closing no later than March fifteenth each calendar year.The department shall begin accepting applications for new program participants no earlier than January fifteenth each year. The department shall extend the opportunity to re-enroll in the program to any existing participant who continues to reside in the State. Re-enrollment may be completed either in conjunction with the regular application cycle or in advance of its opening.~~ The department shall continue to accept applications for the lottery scholarship program on a rolling basis until capacity is met and then shall maintain a waitlist to maximize program participation.

Amend the bill further, SECTION 2, by striking Section 59-8-115(B)(2) and inserting:

(2) ~~enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required~~ a priority window must be given first to current participants of this program, for the 2025-

2026 School Year this means a participant of the Education Scholarship Trust Fund, who continue to reside in the State, followed by a second tiered priority window to siblings of current participants and a third and subsequent tiered priority window shall be open to new program participants that have a household income that does not exceed three hundred percent of the federal poverty guidelines;

Amend the bill further, by striking SECTION 16 and inserting:

SECTION 16. This act takes effect upon approval by the Governor. Current eligible participants may continue receiving benefits under the Education Scholarship Trust Fund, until the end of the 2024-2025 School Year.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 2

AYES

Alexander	Allen	Bennett
Blackmon	Campsen	Cash
Chaplin	Climer	Corbin
Cromer	Davis	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Turner	Williams	Young
Zell		

Total--37

NAYS

Matthews	Walker

Total--2

The amendment was adopted.

Motion Adopted

On motion of Senator MASSEY, the Bill was carried over.

Expression of Personal Interest

Senator KIMBRELL rose for an Expression of Personal Interest.

Remarks by Senator KIMBRELL

Thank you, Mr. PRESIDENT. Good afternoon members. I know I'm standing between you and getting out of here so I will try not to take the entire five minutes. I want to briefly bring to the attention of everyone here, regardless of where you came down in prior debate -- some of you weren't here for the Fetal Heartbeat Bill. There are some things happening in the Upstate right now that are playing out in the press a little bit that I'm concerned about and wanted to make sure you knew about it.

There are a number of stories running these last couple of weeks -- last week particularly in the Spartanburg and Greenville area -- and probably happening in your neck of the woods, too. A number of doctors are refusing care for women -- on grounds of, when they have a miscarriage doing a DNC procedure. Now, I know I can't read a letter here, but this is a letter I have written to the South Carolina Medical Association CEO. They are not the problem, but I want to be sure they help us correct the problem because of what's occurring.

We passed the Heartbeat Bill, whether you voted for or against it. Let's be clear what it doesn't do. It doesn't prevent any kind of care for a woman who had a miscarriage. It doesn't preclude any kind of care an OB/GYN doing a DNC procedure -- in event of miscarriage -- and a woman needs that. One of the stories I saw in the Upstate, that a number of you got calls about and I interviewed for because it kind of caught me off guard, is regarding a young woman who went on television and said she had a miscarriage -- a tragic situation for anybody who has experienced that. A lot of us in the room have been through that. But she went to the doctor because she was unable to fully pass the pregnancy, and she needed care. The doctor said, "I can't perform a DNC procedure on you because South Carolina law prohibits that." Well, in the abortion law we passed and after it was signed by the Governor, in Section 44-41-10 the portion I underlined talks about what is not an abortion. It

reads, “Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn child or to remove a dead, unborn child.” It also goes on to talk about fetal tissue that is left over from a miscarriage and if the fetal tissue is dead, it can be removed. I don't know the exact motivation or intent of the doctor here. I'm not going to try to say what it is -- one way or the other. One of two things has happened though and there are only two choices: some of these folks aren't reading the Bill or they are making “firing from the hip” decisions -- trying to basically say they can't provide this care. In the case that was run on WYFF, the woman that was denied care by her doctor said she couldn't get care anywhere in South Carolina, so she drove to Virginia and spent $3,000 out-of-pocket. That’s insane. There is no circumstance where this woman should have had to go to Virgina and spend $3,000 out-of-pocket. The law does not preclude this. So, either the doctor didn't read the Bill, didn't read the law, didn't get legal counsel -- which I think is a problem obviously -- or they were intentionally denying this care to somehow impugn this law and make it look like it is something that it isn't. I have a real problem with that. Because I was one of the folks that fought really hard for the Heartbeat Bill; a lot of you in this room did. It is not designed to punish a woman or a family who has gone through a miscarriage and to try to make it look like that is draconian and is wrong. So, I'm asking the Medical Association for help on this to clarify it. I would encourage you to talk to folks in your district to make sure they understand. If you don't know how to read it, we will read it for you. If you are going to make these kinds of “fire from the hip” decisions, get some council before you do. But if people are intentionally exploiting a tragedy in the life of any family to try to make this Bill look like it is something that it isn't -- that is absolutely wrong and that needs to be called out.

I will work on this issue and I’m going to push back. I encourage you to talk to folks in your district, to your doctors and the Medical Association because this is not the first time I have heard about it. The news story has kind of gone viral in the Upstate. I think we are up to three cases as of today where I have been told this has occurred. If I know about three in my neck of the woods, chances are it's happening in yours. And there is no excuse for that. It is either ignorance on the part of people who are denying this care or it’s an intentional effort to deny care to create a situation that looks terrible -- to try to make the law look like it is doing something that it is never intended to do, it doesn't do, and it doesn't say. Thank you, Mr. PRESIDENT.

On motion of Senator CASH, with unanimous consent, the remarks of Senator KIMBRELL were ordered be printed in the Journal.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

LOCAL APPOINTMENTS
Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

William Rhoad IV, Esquire, Post Office Box 508, Bamberg, SC 29003
VICE John R. Blocker

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Joanna Elizabeth Summey Hayes, 5051 Spaniel Dr. North, North Charleston, SC 29405

REPORT RECEIVED

Judicial Merit Selection Commission

Report of Candidate Qualifications
2024

Date Draft Report Issued: Thursday, January 16, 2025
Date and Time Final Report Issued: Noon, Tuesday, January 21, 2025

Judicial candidates are not free to seek or accept commitments until Tuesday, January 21, 2025, 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
Patrick Dennis, Counsel

Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623
January 16, 2025

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 21, 2025. Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate’s qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 21, 2025. 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 16, 2025

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, 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 uses 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 are asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviews the candidates from its assigned area and also interviews other individuals in that region who are familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provides the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then uses these reports as a tool for further investigation of the candidate if the committee's report so warrants. 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, and judicial temperament. The Commission's investigation includes the following:

(1) survey of the bench and bar through BallotBox online;
(2) SLED 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.

While the nine evaluative criteria are of equal importance, Judicial temperament is a critical factor in evaluating the qualifications of judicial candidates, as it directly impacts public confidence in the fairness and integrity of the judicial process. A judge's demeanor and interactions with attorneys, litigants, and the public play a key role in ensuring that individuals feel they have received a fair trial. At the same time, the Commission recognizes that a judge exercising appropriate judicial temperament must balance kindness, empathy, and flexibility while maintaining authority of the courtroom. A judge who maintains firm control over the courtroom in order to uphold decorum, prevent disruptions, and enforce the Rules of Evidence and Procedure is not displaying improper temperament, even if their actions may occasionally seem stern. The Judicial Merit Selection Commission will carefully consider this balance, especially weighing any anonymous survey responses, to ensure that judges feel free to perform their duties effectively without fear that their commitment to doing their jobs could jeopardize their jobs.

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 sent 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.

During the evaluation of candidates for judicial office, the Commission occasionally identifies issues that, while not directly impacting an individual candidate's qualifications for continued judicial service, have broader implications of statewide significance. In such instances, we believe it is our duty to bring these matters to the attention of the General Assembly.

One such issue arose during this screening: the setting of bonds. Despite the legislature's recent enactment of a law requiring bonds to be set within a prescribed timeframe, our hearings revealed widespread noncompliance with this mandate. Although our inquiry was statutorily limited to the screening of circuit court judges, we concluded that this problem does not rest solely with judges. Instead, it reflects systemic shortcomings involving all key participants in the criminal justice process, including solicitors, public defenders, private attorneys, and court staff.

Given the critical importance of this issue to the administration of justice and the effective execution of laws enacted by the General Assembly, the Commission feels obligated to bring this concern to the attention of our colleagues in the Senate and the House of Representatives.

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.

Rev. 12/2024

COURT OF APPEALS
QUALIFIED AND NOMINATED

The Honorable Kristi F. Curtis
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Curtis was born in 1969. She is 55 years old and a resident of Sumter, South Carolina. Judge Curtis 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 Curtis.

Judge Curtis 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 Curtis reported that she has made $533.94 in campaign expenditures for postage, printing, paper and envelopes, and a nametag.

Judge Curtis 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 Curtis 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 Curtis to be intelligent and knowledgeable.

Judge Curtis reported that she has taught the following law-related courses:
(a) I have spoken on the topics of "Real Estate & Landlord/Tenant Law" & "Appellate Practice" at Law School for Non-Lawyers, sponsored by the S.C. Pro Bono Program.
(b) I have spoken on "Landlord/Tenant Law" to the Sumter County Board of Realtors.
(c) I served on a panel of judges speaking on Best Courtroom practices for a CLE sponsored by the S.C. Bar.

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

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

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

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

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

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

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

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

(8) Experience:
Judge Curtis was admitted to the South Carolina Bar in 1995.

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

(a) Staff Attorney, South Carolina Court of Appeals, August 1995 to August 1996.

Prepared legal memoranda and conducted legal research for the judges of the South Carolina Court of Appeals.

(b) Law Clerk to the Honorable Kaye G. Hearn, South Carolina Court of Appeals, August 1996 to August 1998. Read briefs and transcripts for each case assigned to Judge Hearn's panel each month. Conducted legal research, prepared memoranda of law, and drafted opinions as directed.

(c) Associate Attorney, Bryan Law Firm, August 1998 to 2004
Partner, Bryan Law Firm, 2003 to 2004

Business litigation, appellate practice before the South Carolina Court of Appeals and South Carolina Supreme Court, represented Sumter County and the Sumter County Treasurer's Office, prosecuted criminal cases for the Sumter County Sheriff's Office in Magistrate's Court.

(d) Trust Officer, Synovus Trust Company, September 2004 to February 2011

I was responsible for the administration of trust accounts and probate estates where Synovus was named as Trustee and/or Personal Representative of the Estate. Met with clients to discuss estate planning issues.

(e) Magistrate Judge, Sumter County Summary Court, April 2011 to February 2018.

Appointed Chief Magistrate in July of 2011. Jurisdiction over traffic and criminal cases punishable by up to thirty days in jail and a $500 fine.

Civil jurisdiction over restraining order actions, evictions, public sales, and small claims civil cases where the amount in controversy does not exceed $7,500.00. We conducted bond hearings for Sumter County 365 days per year, and held preliminary hearings on a monthly basis. Jury trials were conducted monthly for criminal and traffic cases. Jury trials were conducted quarterly for civil cases. As Chief Magistrate, I was responsible for the administration and financial management of the Court, and supervised a staff of twelve employees.

(f) Circuit Court Judge for the Third Judicial Circuit, Seat Two, 2018 to present. Jurisdiction in both Common Pleas and General Sessions Court. Served as Chief Administrative Judge in the Third Circuit for both Common Pleas and General Sessions.

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

(a) Federal: While practicing with the Bryan Law Firm, my practice was almost exclusively in state court. I represented the Plaintiff in a real estate case that was removed by the Defendant to U.S. District Court. I was successful in getting the case remanded to Circuit Court. The Defendant appealed the remand to the U.S. Court of Appeals for the Fourth Circuit, and I successfully argued the case should be dismissed and again remanded to Circuit Court.

(b) State: In my six years of practice with the Bryan Law Firm, I appeared in Circuit Court on a monthly basis.

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

(a) Civil: 60%;

(b) Criminal: 25% (as Prosecutor for the Sumter County Sheriff's Office);

(c) Domestic: 5% (Family Court);

(d) Other: 10% (before the South Carolina Court of Appeals and South Carolina Supreme Court).

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

(a) Percentage of practice, including cases that settled prior to trial: While in private practice, approximately 10% of my practice involved cases that went to a jury trial;

(b) Number of cases that went to trial and resulted in a verdict: Approximately 25;
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.) Two;
(d) Number of cases settled after jury selection but prior to opening statements: Five to Ten.

Judge Curtis provided the following regarding the past five years prior to her service: While in private practice, I primarily served as sole counsel, but also served as co-counsel in several personal injury cases.

The following is Judge Curtis's account of her five most significant litigated matters:
(a) Goldman v. RBC, Inc., 369 S.C. 462, 632 S.E.2d 850 (2006)
I represented David and Emilie Goldman in this quiet title action regarding the portion of an abandoned railroad track that bordered their property. The South Carolina Supreme Court upheld the Court of Appeals' and Circuit Court's rulings that railroad easements obtained by the railroad pursuant to a statutory presumption of grant revert to the adjoining landowners once the land is no longer used for railroad purposes. This decision is significant for all landowners whose property borders a railroad right of way. It was a significant case in my career because it was removed by the Defendant to U.S. District court and I was able to successfully get the case remanded back to Circuit Court. The order of remand was appealed to the Fourth Circuit Court of Appeals, which affirmed the remand to state court. The Circuit Court ruled in our favor, and the case was appealed to both the South Carolina Court of Appeals and South Carolina Supreme Court. In all five courts, I was able to get a favorable ruling for my client.
(b) McMaster v. South Carolina Retirement Sys., 362 S.C. 362, 608 S.E.2d 843 (2005)
I represented Tom Lewis and Johnny Martin in this appeal to the South Carolina Supreme Court. Both Lewis and Martin were convicted of criminal conspiracy, misconduct in office, and receiving stolen goods, stemming from the embezzlement of funds from Sumter School District 17. They were each ordered to pay restitution as part of their criminal sentences. After their conviction and sentencing, the legislature enacted South Carolina Code section 8-1-115, creating a lien on the public retirement or pension of any public employee convicted of misappropriation of public funds. The Attorney General's Office then

brought proceedings against Lewis and Martin seeking a lien against their retirement for an amount greater than the restitution amount ordered by the court in their criminal sentences. The trial court ruled in our favor that the lien was limited to the amount of restitution ordered by the sentencing judge, and any subsequent proceeding to increase the restitution award violated the Double Jeopardy Clause and was an impermissible ex post facto law. The Supreme Court reversed. While we were ultimately unsuccessful, the case was significant for both victims and defendants in clarifying whether the State could re-litigate the amount of restitution after the date of a Defendant's conviction and sentencing.

(c) Covington v. George, 359 S.C. 100, 597 S.E.2d 142 (2004)

My law partner John Ford represented the Plaintiff in an automobile accident case tried before a jury in Circuit Court and received a verdict for the Plaintiff. The Defendant appealed and I handled the subsequent appeal of the case to the South Carolina Supreme Court. At trial, the court held that the Defendant could not dispute the reasonableness of the Plaintiff's medical expenses by introducing evidence that the treating hospital accepted less than full payment for its services. The Defendant appealed to the S.C. Court of Appeals, and the case was transferred from the Court of Appeals directly to the South Carolina Supreme Court pursuant to Rule 204(b) of the South Carolina Appellate Court Rules. Under this rule, the Supreme Court may, in its discretion, certify a case for review by the Supreme Court before it has been determined by the Court of Appeals, "where the case involves an issue of significant public interest or a legal principle of major importance." The Supreme Court upheld the lower court's decision, finding that the collateral source rule prohibited the Defendant from presenting evidence that Plaintiff's medical provider accepted reduced payments. This case was significant for its implications regarding damages in all personal injury cases, and was featured in the May 31, 2004 issue of South Carolina Lawyers Weekly.

(d) Burgess v. Nationwide Mut. Ins. Co., 361 S.C. 196, 603 S.E.2d 861 (Ct.App. 2004)

Robert Burgess was injured in a motorcycle accident. Burgess carried only liability insurance on the motorcycle, but he also owned three other vehicles that were covered under a separate policy with both liability and underinsured motorist coverage (UIM). The Insurer denied basic UIM coverage because the vehicle involved in the collision, the motorcycle, was not specifically covered under the UIM policy. Burgess brought a Declaratory Judgment action in Circuit Court, and the court held that

Burgess was entitled to $15,000 basic UIM coverage. Defendant appealed to the South Carolina Court of Appeals, and I represented Burgess in the appeal. The Court of Appeals affirmed the trial court's decision. This case is significant because the Court of Appeals clarified that UIM coverage is "personal and portable" in South Carolina and is available up to the statutory minimum amount of coverage when an Insured elects to carry that coverage, even when the vehicle involved in the accident is not covered under the policy.

(e) Glasscock, Inc. v. United States Fidelity & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct.App. 2001)

In this case, the South Carolina Court of Appeals held that "loss of use" damages were recoverable under Glasscock's underinsured motorist coverage (UIM) even though the policy did not expressly cover loss of use in the UIM section. The Insurer covered "loss of use" damages in the property damage portion of the policy and was therefore required to offer the same coverage in its UIM policy. This case was featured in the December 10, 2001 issue of South Carolina Lawyers Weekly. The case was significant in my career because the trial attorney initially obtained an unfavorable ruling in the Circuit Court and then hired me to file a motion for reconsideration. I successfully argued the motion before the Circuit Court, and the judge reversed his decision and ordered that the UIM policy be reformed to cover loss of use damages. The Defendant appealed to the South Carolina Court of Appeals, and I handled the appeal on behalf of the Plaintiff. The Court of Appeals ruled in our favor, affirming the decision of the trial court.

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

(a) Stokes v. Spartanburg Regional Medical Center, 368 S.C. 515, 629 S.E.2d 675 (Ct.App. 2006)
(b) Lane v. Lane, Op. No. 2004-UP-009 (S.C.Ct.App. 2004)
(c) Anderson v. Buonforte, Op. No. 2004-UP-270 (S.C.Ct.App. 2004)
(d) Daves v. Cleary, 355 S.C. 216, 584 S.E.2d 243 (S.C.Ct.App. 2003)
(e) Watson ex rel Watson v. Chapman, 343 S.C. 471, 540 S.E.2d 484 (S.C.Ct.App. 2000)

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

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

(a) Appointed Magistrate Judge, Sumter County Summary Court, April 2011 to February 2018. Appointed Chief Magistrate for Sumter County July 2011 to February 2018. Jurisdiction over traffic and criminal cases punishable by up to thirty days in jail and a $500 fine. Civil jurisdiction over restraining order actions, evictions, public sales, and small claims civil cases where the amount in controversy does not exceed $7,500.00. Conducted bond hearings and preliminary hearings for General Sessions matters. Magistrate's court has no jurisdiction to hear cases involving any interest in real property.

(b) Elected Circuit Court Judge for the Third Judicial Circuit, Seat Two, on February 7, 2018. Jurisdiction over all civil matters pending in the Court of Common Pleas and all criminal cases in the General Sessions Court. I have served as Chief Administrative Judge for the Third Judicial Circuit for both Common Pleas and General Sessions. No jurisdiction over family court matters.

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

(a) Hood v. United Services Automobile Ass'n, Op. No. 2023-UP-011 (S.C.Ct.App. 2023). In this bad faith case, the Court of Appeals affirmed my order granting JNOV in favor of the defendant. In a special interrogatory, the jury found the defendant did not violate its duty of good faith and fair dealing. I granted JNOV as to the Plaintiff's negligence cause of action, holding that there was no separate duty owed by the Defendant Insurer above and beyond the duty of good faith and fair dealing.

(b) Meswaet Abel, as Personal Representative of the Estate of Zerihun Wolde v. Lack's Beach Service, 2019-CP-26-07075, Order on Post-Trial Motions filed April 10, 2023, Horry County Court of Common Pleas. In this wrongful death action, I affirmed the jury's significant verdict following a week-long trial. The case is currently on appeal to the South Carolina Court of Appeals.

(c) Atkinson v. SSC Sumter East Operating Co., LLC, Op. No. 2022-UP-438 (S.C.Ct.App. 2022) In this nursing home

negligence case, the Court of Appeals affirmed my order denying the Defendant's motion to dismiss and compel arbitration.

(d) The Station, Inc. d/b/a Company Two, Inc. v. Hampton County, 2017-CP-25-00170, Final Order dated October 8, 2021, Hampton County Court of Common Pleas. In this case, The Station, Inc. relocated its business to Hampton County in conjunction with negotiations with the County for use of the airport facilities. This case involved numerous issues of contract construction, as well as equitable principles. It is currently on appeal to the South Carolina Court of Appeals.

(e) In re: The Murkin Group, LLC, 429 S.C. 618, 840 S.E.2d 926 (2020). This case was filed in the South Carolina Supreme Court pursuant to its original jurisdiction to hear cases alleging the unauthorized practice of law. The Supreme Court assigned the case to me as Special Referee to conduct a hearing, take testimony, and issue a report and recommendation. The Supreme Court followed my recommendation and adopted my order in large part as the published opinion.

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

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Curtis to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had neither related nor summary comments.

Judge Curtis is married to Warren Stephen Curtis. She has two children.

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

(a) Member, South Carolina Bar, 1995 to present
(b) Third Circuit Delegate to the S.C. Bar House of Delegates, 2000 to 2001
(c) Member, Sumter County Bar, 1998 to present
(d) Sumter County Bar Executive Committee, 2003 to 2004
(e) Member, South Carolina Summary Court Judges Association, 2011 to 2018
(f) Member, South Carolina Summary Court Judges Advisory Board, 2015 to 2018
(g) Member, South Carolina Commission on Continuing Legal Education, 2022 to present
(h) Member, South Carolina Commission on Judicial Conduct, 2023 to present

Judge Curtis provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Sumter Rotary Club. Avenue of Service Award Recipient 2014 – 2015. Program Chair 2010 to 2012, 2014 to 2018. Newsletter editor 2006 to 2008. Membership Committee 2005.
(b) Member, Alice Drive Baptist Church, 2001 to present. Building Committee, Personnel Committee, Sunday school teacher for children and youth.
(c) Epicurean Club of Sumter
(d) The Sumter Assembly

Judge Curtis further reported:

I began my legal career at the South Carolina Court of Appeals in 1995, first as a Staff Attorney, then as a law clerk. At the time, I was incredibly grateful for the opportunity, but I had no idea how great an impact these first years at the Court of Appeals would have on my legal career. At the Court of Appeals, I learned to draft opinions and memoranda, to thoroughly research an issue, and to carefully consider the implications of each legal decision. I was able to observe oral arguments made by gifted attorneys, and to sit in on conferences between the judges. I saw how these judges carefully considered the legal soundness of their decisions, its effect on legal precedent, and its effect on the litigants. Their dedication to the law and intellectual curiosity was truly inspiring to a young lawyer.

I left the Court of Appeals eager to enter private practice and excited to argue my own cases in front of a judge and a jury. I drew from my experience at the Court of Appeals when preparing my cases for trial and in my appellate practice. In private practice, I handled appeals before the South Carolina Court of Appeals and South Carolina Supreme Court in medical malpractice, personal injury, real estate, workers' compensation, and in family law matters. During my time as a Magistrate and Circuit Court Judge, I have tried to emulate the diligence and dedication to the law I observed from the judges during my early years at the Court of Appeals. I have presided over jury trials for a wide variety of criminal offenses from seatbelt violations to murder. I have also presided over a wide variety of civil trials over the past thirteen years, from dog bites to wrongful death. In cases small and large, I have worked to the best of my ability every day to be well prepared, diligent, courteous, patient, and respectful to the attorneys and the litigants. It has been the greatest privilege of my professional life to serve as a Circuit Court Judge. If elected to the Court of Appeals, I will continue to work hard every day to serve the citizens of this State, to be deserving of the trust placed in me, and to continue the proud tradition of the Court of Appeals.

(11) Commission Members' Comments:
The Commission noted that Judge Curtis's breadth of experience, including serving as both a magistrate and a circuit court judge, would ably assist her on the Court of Appeals should she be elected. The Commission thanked her for her continued mentorship to both young lawyers and high school students. Her calm and thoughtful demeanor and excellent reputation among the Bar are noteworthy as well.

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

THURSDAY, JANUARY 16, 2025

Jason P. Luther
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Luther was born in 1980. He is 44 years old and a resident of Columbia, South Carolina. Mr. Luther 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. Luther.

Mr. Luther 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. Luther reported that he has made $328.51 in campaign expenditures for postage and printing of palm cards.

Mr. Luther 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. Luther 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. Luther to be intelligent and knowledgeable.

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

(a) I served as judge for USC School of Law's annual Kate Bockman Moot Court competition on numerous occasions since 2012
(b) State and Local Tax Case Law Update, 2018 Annual SC Bar Convention
(c) Update from the SCDOR, Council on State Taxation Southeast Regional State Tax Seminar (April 2018)
(d) Top 10 Things OGC Learned at SCDOR, 2019 Annual SC Bar Convention
(e) I was a panelist for a USC School of Law panel re: careers as an in-house attorney
(f) Beware – the Taxman Cometh, 2020 Annual SC Bar Convention
(g) I participated in an Alcohol Laws and Regulation Education Seminar with SLED and Columbia Police Department
(h) State and Local Tax Case Law Update, 2021 Annual SC Bar Convention
(i) OMG, I'm being audited! What do I do now?, recorded CLE as round table panelist for South Carolina Administrative and Regulatory Law Association seminar (December 2021)
(j) State and Local Tax Case Law Update, 2022 Annual SC Bar Convention
(k) SALT Seminar, hosted by Nexsen Pruet (January 2022)
(l) The Twelve Days of Taxmas, 2023 Annual SC Bar Convention
(m) I presented at the SALT Seminar - South Carolina Association of CPAs, hosted by Nexsen Pruet (February 2023)
(n) Tax Update, 2024 Annual SC Bar Convention
(o) Sales and Income Tax Case Law Update – SALT Seminar hosted by Adams & Reese (February 2024)

Mr. Luther reported that he has published the following:

(a) A Tale of Two Cities: Is *Lozano v. City of Hazleton* the Judicial Epilogue to the Story of Local Immigration Regulation in Beaufort County, South Carolina?, 59 S.C. L. Rev. 573 (2008).
(b) Reflections on Professionalism: A Student Perspective, S.C. YOUNG LAW., February 2009 (Vol. 1, Issue 2)

(c) Peer Review as an Aid to Article Selection in Student-Edited Legal Journals, 60 S.C. L. Rev. 959 (2009) (co-authored with John P. Zimmer)

(d) South Carolina Nonprofit Corporate Practice Manual (3rd Ed., forthcoming), contributing author/editor for chapter dealing with state taxes.

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

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

The Commission also noted that Mr. Luther 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. Luther reported that he was named a "Rising Star" by the South Carolina Super Lawyers publication in 2014, 2016, and 2017.

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

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

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

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

(8) Experience:
Mr. Luther was admitted to the South Carolina Bar in 2009.
He gave the following account of his legal experience since graduation from law school:

(a) From 2009 to 2010, I was in private practice with Nelson Mullins Riley & Scarborough LLP in Columbia. I worked

primarily on a team that handled commercial litigation and business torts, with a focus on franchise & distribution litigation. However, because of my interest in appellate practice, I also had the opportunity to brief an appeal to the United States Court of Appeals for the Fourth Circuit and work on an amicus brief to the United States Supreme Court. No administrative or financial management.

(b) From August 2010 to August 2012, I served as a judicial law clerk to the Honorable Dennis W. Shedd, United States Court of Appeals for the Fourth Circuit. While clerking for Judge Shedd, I reviewed briefs and records in a variety of different appeals, including criminal, civil, employment and labor, energy and utilities, environmental law, finance and banking, immigration, taxation, insurance, construction, intellectual property, government contracts, products liability, administrative law, civil rights, family law, etc. For each appeal, I researched legal issues and prepared bench memoranda for Judge Shedd, assisted him in preparing for oral arguments, attended oral arguments during each term of court in Richmond, VA, and drafted opinions. No administrative or financial management.

(c) After completing my judicial clerkship I returned to private practice to work for Murphy & Grantland, P.A. from September 2012 to May 2017. There, I was primarily a civil litigator focusing on general commercial and business litigation, insurance defense and coverage matters, and any appellate matters that arose out of my civil litigation practice. This included appeals both at the South Carolina Court of Appeals and the United States Court of Appeals for the Fourth Circuit. No administrative or financial management.

(d) In May 2017, I accepted a job as the General Counsel for Litigation at the South Carolina Department of Revenue. In that role, I served as Deputy Director and the managing head of the litigation division, providing senior leadership, oversight, and direction on all legal matters impacting the agency, including civil and administrative litigation and criminal tax prosecutions, bankruptcy, and foreclosures. I also provided general legal advice and counsel on a variety of matters including Freedom of Information and alcohol beverage licensing. One of the reasons I chose to leave

private practice and join the Department was because it presented a unique opportunity to be involved in more appellate work, and especially appeals that dealt with novel legal and constitutional issues. This job has not disappointed; since joining the Department six years ago I have had an active role in over 30 appellate matters at the South Carolina Court of Appeals or Supreme Court, as well as one matter at the United States Court of Appeals for the Fourth Circuit. No financial management.

(e) In the summer of 2020, the Department of Revenue restructured and consolidated all of its legal services and functions in a single, centralized Office of General Counsel. My title changed to Chief Legal Officer. In addition to my prior duties, I also assumed oversight of the Department's Appeals Section, as well as an expanded role in providing advice and counsel on matters related to high-balance collections, contracts and procurement, and agency policy on wide-ranging tax, regulatory, and administrative law issues.

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

(a) Federal: Infrequent. I can recall two cases. CSX Transportation, Inc. v. S.C. Dep't of Revenue, 959 F.3d 622 (4th Cir. 2020) was litigated and tried in federal court prior to my joining the Department. The Fourth Circuit vacated and remanded the case to the district court. I appeared as co-counsel in the remanded proceedings, a second appeal to the Fourth Circuit, and subsequent reversal and remand to the district court, all of which occurred between 2017–2020. In Sanders v. South Carolina Department of Revenue et al (3:23-cv-04441-SAL), I was the sole attorney of record for the Department; the case was ultimately dismissed.

(b) State: Frequent. The majority have been in the Administrative Law Court and Court of Appeals, along with occasional Circuit Court appearances.

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

(a) Civil: 15%;
(b) Criminal: 15%;
(c) Domestic: 0%;
(d) Other: 70% (administrative/government practice).

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

(a) Percentage of practice, including cases that settled prior to trial: I would estimate that during the past 5 years approximately 30% of my practice has been in trial court, 30% has been on appellate matters, and 40% has dealt with other non-trial matters.

(b) Number of cases that went to trial and resulted in a verdict: Nearly all of the Department's cases are non-jury contested case hearings (trials) in the Administrative Law Court, and therefore do not result in a jury verdict. To the best of my knowledge, in the past five years our criminal prosecutor has had six trial verdicts—three in favor of the State—and one case in which the defendant pled guilty after the first day of trial.

(c) Number of cases that went to trial and resolved after the plaintiff's or State's case:

N/A

(d) Number of cases settled after jury selection but prior to opening statements:

Nearly all of the Department's cases are non-jury contested case hearings (trials) in the Administrative Law Court, and therefore do not involve jury selection.

Mr. Luther provided the following regarding his role as counsel during the past five years:

My practice and role at the Department of Revenue is unique. Our Office of General Counsel handles hundreds of administrative appeals, criminal cases, and civil matters each year. As the Chief Legal Officer, I have supervisory responsibility for all of these cases, in addition to a host of other non-trial legal matters.

I serve as co-counsel on many of the administrative cases, although my level of involvement varies widely depending on the complexity and policy implications of the case. In many cases, my involvement is limited primarily to assisting with developing case strategy and reviewing significant pleadings and filings. I am more involved in the complex or significant matters, including actively participating in the discovery process and serving as part of the trial team. I also maintain a more limited caseload in which I serve as sole counsel or chief counsel. I am typically chief counsel on all Circuit Court matters. On the appellate matters where I am not the chief or sole counsel, I am heavily involved in the brief-writing process and conducting moot court sessions to prepare our attorneys for oral argument. We have a Special Assistant Attorney General in our office that has primary responsibility on all

criminal matters; I supervise this attorney and we frequently collaborate on prosecution strategy.

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

(a) Dominion Energy South Carolina, Inc. f/k/a SCE&G v. S.C. Dep't of Revenue, Docket No. 19-ALJ-17-0170-CC: This involved whether South Carolina Electric and Gas Company (SCE&G) owed sales and use tax on all of the materials and equipment it had purchased tax-free during construction of the two-unit nuclear project at the VC Summer Nuclear Station, even though it abandoned the project and the reactors were never completed or operational. We ultimately negotiated a resolution in which SCE&G (now Dominion) reimbursed the State for the sales tax revenues the State had foregone during SCE&G's construction of the project, and transferred to the State four unique and desirable properties (in Georgetown County, Aiken County, and two islands on Lake Murray) that will become new state parks or public lands for all South Carolinians to enjoy for generations to come.

(b) Richland Cty. v. S.C. Dep't of Revenue, 422 S.C. 292, 811 S.E.2d 758 (2018): I was lead counsel in the "second half" of a case involving Richland County's expenditure of certain sales and use tax revenues, commonly known as the "Penny Tax." After the Supreme Court issued its opinion in March 2018, there was over three years of subsequent litigation on remand to the Circuit Court (including an audit that was conducted in conjunction with discovery), as well as a companion case that Richland County filed in the Administrative Law Court. We also filed an amicus brief in a separate appeal that also dealt with Richland County's and the Central Midlands Regional Transit Authority's (CMRTA) use of penny tax revenues. Ultimately, in July 2021 we reached an agreement with Richland County and CMRTA that brought to a final conclusion a very public dispute that had been ongoing for over six years. The case established, as a matter of first impression, the Department's authority to review and audit a local government's use of penny tax funds. The case also resulted in the County and CMRTA reimbursing the penny tax program for improper expenditures, and led to the development of a uniform standard of guidelines to be applied to all local governments to ensure that transportation penny tax funds are

spent only on transportation-related projects, in compliance with state law.

(c) Amazon Services, LLC v. S.C. Dep't of Revenue, 898 S.E. 2d 194, 442 S.C. 313 (2024), *petition for cert. pending*, No. 2024-000625 (filed Apr. 17, 2024): This case involves whether the company that owns and operates Amazon.com is a retailer under South Carolina law and, therefore, responsible for collecting and remitting sales tax on all purchases of tangible personal property that occur on its website. This dispute began in 2016, after the expiration of a five-year sales tax moratorium (which Amazon had lobbied for in exchange for building a distribution facility in South Carolina) and has received continuous national attention throughout the pendency of the litigation and subsequent appeals.

(d) Clarendon County et al. v. S.C. Dep't of Revenue, Farmers Telephone Cooperative, Inc. et al., Docket No. 17-ALJ-17-0237-CC; Appellate Case No. 2020-000983: This contested case in the Administrative Law Court dealt with whether the rural telephone service exemption in S.C. Code § 12-37-220(B)(10) extends to property used to provide rural *wireless* telephone service, or only rural *landline* telephone service. The ALC's final decision agreed with the Department's position that wireless assets qualify for the exemption, at least partially. During the pendency of the appeal at the Court of Appeals, the General Assembly amended section 12-37-220(B)(10) to clarify the exemption applies to modern facilities and technology as well as dual-use assets/property. This clarification confirmed the Department's interpretation of the exemption. As a result of the amendment, the counties and telephone cooperative reached a settlement, and the appeal was dismissed.

(e) Grange Mutual v. 20/20 Auto Glass, Unpublished Opinion No. 2019-UP-419 (Dec. 31, 2019). This case addressed issues related to offer, acceptance, specific performance, and the creation of a unilateral contract between an insurance company and auto glass repair company. This represented the first time the Court of Appeals had addressed an issue like this since deciding S. Glass & Plastics Co. v. Kemper, 399 S.C. 483, 732 S.E.2d 205 (Ct. App. 2012), which dealt with a similar scenario as a matter of first impression. This same issue was being litigated around the country, and courts in other jurisdictions had diverged on how to resolve this particular unilateral contract issues. (Note: I was

sole counsel on this case through trial and early in the appeal; when I joined SCDOR, one of my colleagues at my former firm took over for the remainder of the appeal.).

The following is Mr. Luther's account of five civil appeals he has personally handled:
(a) Synovus Bank v. S.C. Dep't of Revenue, Op. No. 6076, -- S.E.2d -- 2024 WL 3588329 (2024)
(b) Lowe's Home Centers, LLC v. S.C. Dep't of Revenue, Op. No. 6062, -- S.E.2d --, 2024 WL 2947802 (2024)
(c) Aiken v. S.C. Dep't of Revenue, 429 S.C. 414, 839 S.E.2d 96 (2020)
(d) Greenville Hospital System v. S.C. Dep't of Revenue, Op. No. 2020 UP-065, 2020 WL 1170173 (S.C. Ct. App. filed Mar. 11, 2020)
(e) Pennsylvania National Mutual Casualty Insurance Company v. Lewis, 650 Fed. Appx. 159 (4th Cir. 2016)
Mr. Luther reported the following regarding the personal handling of criminal appeals:
None. All of our criminal appeals are handled by the Attorney General's office. We have had one criminal appeal involving felony tax evasion during my time at the Department, see State v. Hughes, 2018 WL 679482 (S.C. Ct. App. Jan. 24, 2018).

Mr. Luther further reported the following regarding unsuccessful candidacies:
In 2023, the Judicial Merit Selection Commission found me Qualified, but not nominated, for the Court of Appeals, Seat 9.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Luther 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 Midlands Citizens Committee commented "Actual court experience handling appeals! Well qualified!"

Mr. Luther is married to Emily Suzette Luther. He has three children.

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

(a) South Carolina Bar Association (2009 to present)
(b) Torts and Insurance Practices Section Council (approximately 2015–2017)
(c) Richland County Bar Association (2009 to present)
(d) South Carolina Administrative Law Court Rules Committee (2022 to present)

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

(a) South Carolina Law Review Association, Board Member
(b) Junior Achievement of Greater South Carolina, Midlands District Board Member
(c) First Presbyterian Church, Elder and adult Sunday School teacher (Columbia, SC)
(d) Historic Columbia, Palladium Member
(e) South Carolina Philharmonic Conductor's Cabinet
(f) South Carolina Executive Institute, Class of 2023
(g) School Improvement Council, Brennen Elementary (2022–2023)
(h) 20 Under 40 (The State Newspaper) (2019)
(i) Leadership Columbia, Class of 2017
(j) I also volunteer as a coach for my sons' teams in the Palmetto Baseball League and Christian Youth Basketball League.

Mr. Luther further reported:

I believe my background and life experiences—legal and non-legal—will give me a unique, well-rounded perspective as a judge. I have enjoyed a diverse practice: state and federal, jury and non-jury, trial and appellate, administrative and civil and criminal. I appreciate the immense time and effort that goes into presenting an effective appeal; I have also seen what it takes for the judge to be equally prepared, informed, and willing to engage (and actively listen). I understand the challenges unique to working in a firm representing multiple clients, or in-house with one organizational client. As general counsel for a state agency, I have gained experience in deciding specific controversies and issues against a backdrop of precedent and longstanding practice—always with an eye on the long-term ramifications of each particular decision.

Starting a roofing business in the aftermath of hurricane Wilma also gave me firsthand experience in the world of entrepreneurship and small business. That experience regularly motivates me to ensure our government works best for its constituents by being timely, responsive, diligent, even-handed, and efficient.

Appellate work has always been one of the most rewarding aspects of my practice; in it, I find the perfect intersection of my personality, abilities, and interests: critical thinking, problem solving, hard work, thoughtfulness, and a profound appreciation for the exceptional nature of American democracy and the rule of law. The appellate courts are a defining feature of our constitutional system and independent judiciary, and I want to help our Court of Appeals be the best it can be.

I am also excited to pursue a new opportunity in public service. For me, law and service are intrinsically connected. As a teenager, I observed a trial in which my father's friend was represented pro bono by Rep. Terry Haskins, later Speaker Pro Tempore of the House. Rep. Haskins' example of selfless service inspired me, and that trial experience and subsequent appeal motived me to attend law school. I do not come from a family of lawyers, but serving others is part of my family's DNA. I saw it modeled by my grandfather (a dedicated civil servant and blue collar electrician who retired from the SC Department of Corrections), who taught me the virtues of industriousness and selflessness. My parents (career missionaries) instilled in me a love for learning and self-development, and challenged me to find my purpose through serving others. I believe these are important traits for a judge.

Throughout my career, I have tried to steward the talents entrusted to me and honor those who have invested in my life by working diligently and zealously for my clients and community. To pay it forward, in a sense. I can think of no greater honor and privilege than to devote my energy and talents to serve our state on the Court of Appeals.

(11) Commission Members' Comments:
The Commission commented that Mr. Luther is well-respected amongst his peers. The Commission noted that Mr. Luther has gained more experience since the last time he was screened by the Commission and commended Mr. Luther for always seeking to do the right thing in the right way.

(12) Conclusion:
The Commission found Mr. Luther qualified, and nominated him for election to Court of Appeals. Seat 2.

The Honorable Courtney Pope
Court of Appeals, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Pope was born in 1979. She is 45 years old and a resident of Aiken, South Carolina. Judge Pope provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

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

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

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

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

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

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

Judge Pope reported that she has taught the following law-related courses:
(a) I have given many presentations and speeches to various groups to include the numerous K-12 schools, USC Black Law Students Association, various churches.

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

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

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

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

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

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

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

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

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

(8) Experience:
Judge Pope was admitted to the South Carolina Bar in 2007.

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

(a) August 2007 to December of 2009, I was employed as a Workers Compensation Associate at McAngus, Goudelock, and Courie, LLC.

(b) January 2010-March 2016, I was in private practice at my law firm, Clyburn Pope and Price, LLC, where I was the managing partner, my primary area of practice was family law and criminal defense. Additionally, I manage all aspects of of the law practice to include financial management, hiring of personnel, and management of client trust accounts. I shared those duties in equal parts with my then law partner, Jason M. Price.

(c) March 2016-June 2019, I was employed by the City of Aiken as the City Solicitor and the City of Aiken Staff Attorney. I prosecuted all Municipal level charges. Additionally in my role as Staff Attorney, I reviewed and negotiated various contracts on behalf of the City, handled all FOIA requests, handled tax litigation on behalf of the City, as well as composed Orders for Various City Boards.

Judge Pope reported the frequency of her court appearances prior to her service on the bench as follows:
(a) Federal:
(b) State: 4-5 weekly.

Judge Pope reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:
(a) Civil: 20%;
(b) Criminal: 50%;
(c) Domestic: 30%;
(d) Other: 10%.

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

(a) 30% of cases five years prior to my initial election in 2019, were in trial court.

Judge Pope 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 Pope's account of her five most significant litigated matters:
(a) State v. Joshua Allen Rosier: This case remains significant to me after guiding my client through testifying against his father in a Murder trial. Additionally, representing my client during plea negotiations and the actual plea was an opportunity to navigate through complex legal issue the for the first of many times.
(b) State vs. Michael Moore: This case was significant to me because it was my first time trying a DUI case alone.
(c) State v. Shane Rhodes: This case will remain a case that I remember forever. My client had a horrible addiction. Working this case from beginning to end was challenging. My client would pick up additional charges before we could resolve the initial charges. This made the car complex in terms of the enhancement elements of the case. Additionally, my client needed help outside of a legal realm which taught me that lawyers must be more than just legal aids to their clients.
(d) Branton v. Corbett: This case is significant because it was my first time trying a civil case. This case involved issues of defamation and intentional infliction of emotional distress.
(e) Siegler v. Siegler: This case is a family case in the beginning of my sole practitioner career that was litigated over the course of numerous years. There was extensive participation in this case. I served as Guardian ad Litem, however, it provided extensive learning opportunities. The ward in the case was suffering with undiagnosed mental illness but was fighting for the custody of her children. The case provided an opportunity to see firsthand the impact of mental illness on a marriage and the children. One of the children was diagnosed on the austim spectrum which further provided a view of challenges that the legal system must face in determining the best interests of the child.

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

Judge Pope reported that she has held the following judicial office(s):
(a) Circuit Court Judge, Second Judicial Circuit, Seat 1, Elected May 8, 2019-2021; Reelected 2021-Present
(b) Circuit Court has general trial jurisdiction. Additionally the Circuit Court has limited appellate

jurisdiction over appeals from Probate Court, Magistrate's Court, and Municipal Court. The Circuit Court also has jurisdiction over appeals from the Administrative Law Judge Division over matters relating to state administrative and regulatory agencies.

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

(a) Shaundra Mims vs. Chukker Creek
(b) Ashlynn Woodruff v. Publix Super Market
(c) Debbie Mealing vs. Dr. Lorenzo Sampson
(d) Matthews vs. Lakes and Streams
(e) Bamberg vs. SCDOT

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

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Pope to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee stated in summary, "Well qualified in all areas – big improvement since [the] last time before the Committee.".

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

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

(a) SC Bar Association
(b) American Bar Association
(c) Aiken County Bar Association
(d) Judicial Education Advisory Committee
(e) Business Court Judge

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

(a) Jack and Jill of American, Inc.
(b) Umberland A.M.E. Church
(c) Delta Signma Theta, Incorporated
(d) The Links, Incorporated

Judge Pope further reported:

My life experiences and upbringing by my parents has greatly influenced me and guided me to strive to always act in accordance with the highest standard of morality. Even day I strive to make informed, educated and thoughtful decisions based on research, legal information, morality, and equity. I believe that judicial temperament, patience, and an undying thirst for knowledge of the law is of the utmost importance in being a member of the Judiciary.

During my tenure as a Circuit Court judge, I have had the honor to have relationships with judicial icons who are highly respected in the legal community. When I was first elected in 2019, I strived to be a good role model for those in my community as well as a good example of a judge in the great state of South Carolina. I am grateful that the SC Legislature has entrusted me with my current position. I have gained vast amounts of knowledge and I am eager to continue to expand and learn more.

(11) Commission Members' Comments:
The Commission commented that Judge Pope has an excellent reputation among members of the Bar. They commended her experience and skill as well as her temperament and intellect as a jurist.

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

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

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

Judge Geathers was born in 1961. He is 63 years old and a resident of Ridgeway, South Carolina. Judge Geathers provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1986. He was also admitted to the North Carolina Bar in 1992.

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

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

Judge Geathers reported that he has not made any campaign expenditures over $100.

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

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

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

(a) Most recently, I was a panelist at the 2023 Injured Workers Advocates Annual Convention.
(b) I gave a presentation on appellate advocacy at the 2023 Mastering Rules of Evidence & Procedure CLE hosted by the South Carolina Bar.

(c) I co-taught administrative law as an adjunct professor at the University of South Carolina School of Law from 2010 to 2015 and at the Charleston School of Law in 2012.

Judge Geathers reported that he has published the following:

(a) John D. Geathers, et al., *South Carolina & COVID-19: A Bench Book on Pandemics, Experts, and Legal Concepts* (2023) (a bench book, commissioned by Chief Justice Beatty, as a result of a partnership with the National Courts and Sciences Institute).

(b) John D. Geathers, et al., South Carolina Administrative Practice & Procedure, Chapter 1 – Administrative Agencies: General Concepts & Principles, (Randolph R. Lowell ed., 3d ed. 2013).

(c) John D. Geathers, *"The Matter Does Not Appear to Me Now as It Appears to Have Appeared to Me Then"*: Motions for Reconsideration Before the ALJ Division, S.C. Law., Nov. 2002, at 27.

(d) John D. Geathers & Justin R. Werner, *"An Inglorious Fiction": The Doctrine of Matrimonial Domicile in South Carolina*, 18 Wis. Women's L.J. 233 (2003).

(e) John D. Geathers & Justin R. Werner, *"An Inglorious Fiction": The Doctrine of Matrimonial Domicile in South Carolina*, S.C. Trial Lawyer's Bulletin, Fall 2003, at 14.

(f) John D. Geathers & Justin R. Werner, *The Regulation of Alcoholic Beverages in South Carolina* (South Carolina Bar, 2007).

(4) Character:

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

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

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

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

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

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

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

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

(8) Experience:
Judge Geathers was admitted to the South Carolina Bar in 1986.

He gave the following account of his legal experience since graduation from law school:
SC Department of Labor, OSHA Attorney (1986)
Office of Senate Research, SC Senate, Senior Staff Counsel (1986-1995)
SC Administrative Law Court, Administrative Law Judge (1995-2008)
SC Court of Appeals, Judge (2008-present)

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

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

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

Supreme Court. Also, the Court of Appeals adjudicates appeals from the Administrative Law Court and the Workers' Compensation Commission.

Judge Geathers provided the following list of his most significant orders or opinions:
(a) *Stokes v. Oconee County*, 441 S.C. 566, 895 S.E.2d 689 (Ct. App. 2023).
(b) *Glenn v. 3M Company*, 440 S.C. 34, 890 S.E.2d 569 (Ct. App. 2023), *cert denied* Aug. 13, 2024.
(c) *Lucas v. KapStone Paper and Packaging Corp.*, 441 S.C. 595, 894 S.E.2d 831 (Ct. App. 2023).
(d) *Garrison v. Target Corp.*, 429 S.C. 324, 838 S.E.2d 18 (Ct. App. 2020), *aff'd in part and rev'd in part*, 435 S.C. 566, 869 S.E.2d 797 (2022).
(e) *Keene v. CNA Holdings, LLC*, 426 S.C. 357, 827 S.E.2d 183 (Ct. App. 2019), *aff'd*, 436 S.C. 1, 870 S.E.2d 156 (2021).
Judge Geathers reported the following regarding his employment while serving as a judge:
Co-taught administrative law at USC's School of Law from 2010 to 2015 and at the Charleston School of Law in 2012.

Judge Geathers further reported the following regarding unsuccessful candidacies:
I was qualified and nominated for election to the Court of Appeals by the Commission for judicial elections held on February 6, 2008, and withdrew my candidacy. Also, I was qualified and nominated for election to the circuit court in 2006. I withdrew my candidacy. I was also qualified for the circuit court in 2004 and withdrew my candidacy.

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

(10) Miscellaneous:
The Midlands Citizens Committee found Judge Geathers to be "Well-Qualified" in the evaluative criteria of ethical fitness, processional 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: "an asset to the judiciary."

Judge Geathers is married to Dorris Williams (Geathers). He has two children.

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

(a) South Carolina Bar
(b) North Carolina Bar

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

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

(11) Commission Members' Comments:
The Commission members commented that Judge Geathers has an outstanding reputation on the Court of Appeals. They noted that he is incredibly smart and very well respected by members of the bar. They noted that it is rare for a candidate to not have any negative comments about them, and his BallotBox surveys speak highly to the type of person and judge that he is.

(12) Conclusion:
The Commission found Judge Geathers qualified, and nominated him for re-election to Court of Appeals, Seat 3.

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

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Thomas was born in 1957. She is 67 years old and is a resident of Murrells Inlet, South Carolina. Judge Thomas provided in her application that she has been a resident of South Carolina for at least the

immediate past five years and has been a licensed attorney in South Carolina since 1986.

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

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

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

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

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

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

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

(a) 1993- Speaker: Restructured State Government, the State of Administrative Law;
(b) 1996-Speaker: So You Want To Be A Judge, Women In Law, Columbia, SC;
(c) 2012-Speaker: Being A Judge and How To Get There, Sumter Ladies Club ;
(d) 2012-Present- Misc.talks to local Rotary clubs, schools, and in house staff attorneys.

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

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

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

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

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

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

Judge Thomas reported that she has held the following public office:
Elected to SC House Seat 108, November 1992, served until June 1996. All reports were timely filed. No penalties.

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

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

(8) Experience:
Judge Thomas was admitted to the South Carolina Bar in 1986.

She gave the following account of her legal experience since graduation from law school:
(a) January 1987- September 1987: Law Offices of Kenneth W. Thorton
Georgetown, SC- Associate- Family Court and Circuit Court matters;
(b) September 1987- August 1988: Rubillo & Thomas Attorneys at Law

Georgetown, SC Partner- Family Court and Circuit Court matters;
(c) August 1988- January 1994: Law Office of Paula H. Thomas
Pawleys Island, SC- Sole Practitioner: Family Court & Circuit Court;
(d) January 1993- January 1994: Thomas & Gundling Attorneys at Law
Pawleys Island, SC- Partner: Family Court & Circuit Court;
(e) January 1994-May 1994: Lawimore, Thomas, Gundling & Kelaher
Pawleys Island, SC- Partner: Family Court & Circuit Court;
(f) May 1994- January 1995: Thomas, Gundling & Kelaher
Pawleys Island, SC- Partner: Family Court & Circuit Court; and,
(g) January 1995- July 1996: Law Office of Paula H. Thomas
Pawleys Island, SC- Sole Practitioner, Family Court & Circuit Court.

Judge Thomas reported that she has held the following judicial office(s):
(a) Elected May 1996, SC Circuit Court, At-Large Seat #1;
(b) Elected May 1998, SC Circuit Court, Fifteenth Judicial Circuit, Seat #1;
(c) Elected February 2007, SC Court of Appeals, Seat #4;
(d) Re-elected, SC Court of Appeals, Seat #4;

Judge Thomas provided the following list of her most significant orders or opinions:
(a) Arrow Pointe Fed. Credit Union v. Bailey, 432 S.C. 373, 852 S.E.2d 473 (Ct. App. 2020) (holding as a matter of first impression that the replacement mortgage doctrine would not be adopted because the issue as one for our legislature), affd, 438 S.C. 573, 884 S.E. 2d 506 (2023).
(b) State v. Brown, 414 S.C. 14, 776 S.E.2d 506 917 (Ct. App. 2015) (holding no reasonable expectation of privacy exists in an abandoned cell phone left at the scene of a crime, even if the device is locked and password-protected), aff'd, 423 S.C. 519, 815 S.E.2d 761 (2018).
(c) State v. Dent, 434 S.C. 357, 863 S.E.2d 478 (Ct. App. 2012) (dissenting) (dissenting after applying the harmless error analysis in a criminal case, which was thereafter reversed by our supreme court), rev'd 440 S.C. 449, 892 S.E. 2d 294 (2023).
(d) Campbell v. Robinson, 398 S.C. 12, 726 S.E.2d 221 (Ct. App. 2012) (holding as a matter of first impression that whether an engagement ring is the donee's property after the engagement is cancelled is a question for the jury).
(e) State v. Mitchell, 378 S.C. 305, 662 S.E 2d 493 (Ct. App. 2008) (explaining the application of the Confrontation Clause to prior statements) cert. Dismissed as improvidently granted, (Feb. 16, 2010).

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

Judge Thomas further reported the following regarding unsuccessful candidacies:
(a) Ran unsuccessfully for SC Court of Appeals, Seat #2 in 2004;
(b) Ran unsuccessfully for Chief of SC Court of Appeals in 2016.

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Thomas 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 Thomas is married to Don Stanley Thomas. She has three children.

Judge Thomas reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) South Carolina Appellate Judges Association
(c) American Bar Association

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

Judge Thomas further reported:
I have been a member of my court (SC Court of Appeals) since 2016 and am currently number two in seniority. My institutional knowledge and experience in my current position as well as my past experience as a Circuit Court Judge and a Legislator is valuable to the Court and the State as a whole.

(11) Commission Members' Comments:
The Commission commented that Judge Thomas has an outstanding reputation as a jurist. They remarked on her intellect which has ably served her in discharging her responsibilities on the Court of Appeals.

The Commission further remarked on her overwhelmingly positive Ballot Box Surveys, noting the rarity of receiving no negative comments.

(12) Conclusion:
The Commission found Judge Thomas qualified, and nominated her for re-election to Court of Appeals, Seat 4.

CIRCUIT COURT
QUALIFIED AND NOMINATED

The Honorable Eugene P. Warr, Jr.
Circuit Court, Fourth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Circuit Court, Fourth Judicial Circuit, Seat 2, one candidate applied for this vacancy. Accordingly, the name and qualification of one candidate is hereby submitted in this report.

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

Judge Warr was born in 1959. He is 65 years old and a resident of Lamar, South Carolina. Judge Warr provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

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

Judge Warr demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges,

particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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

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

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

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

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

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

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

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

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

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

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

Judge Warr reported that he has held the following public offices:
University of South Carolina Board of Trustees, Trustee for the Fourth Judicial Circuit, Elected May 2003 by South Carolina Legislature. I was re-elected in 2004, 2008, 2012, 2016 and 2020. I served until March of 2022 when I resigned to serve as a Family Court Judge. I have annually filed a State Ethics Commission report and I have always been timely with my filings.

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

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

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

He gave the following account of his legal experience since graduation from law school:
March 1982 through November 1985 (when I was sworn into the bar) I worked at the Saleeby, Cox and Bledsoe law firm located in Hartsville, SC as a law clerk. The majority of my work for Saleeby, Cox and Bledsoe was during the summer and between the fall and spring semesters. I worked as a clerk for the SC Senate Judiciary Committee during my second year of law school which was the fall of 1983 and spring of 1984.

November 1985 through July 1989 – I was an associate attorney at the Saleeby, Cox and Bledsoe law firm. During my years at the Saleeby firm I handled many different areas of practice including personal injury, criminal, workers compensation, civil litigation, probate matters, real estate and domestic.

In July 1989 I left the Saleeby firm and joined with then solo practitioner David M. Beasley (both of us grew up in Lamar, SC) to form the firm of Beasley and Warr in Hartsville, SC. Later, attorney John M. Ervin III joined our firm. In 1993 James H. Lucas and Fred W. Auman, III left the Saleeby firm and joined our practice. In 1994 Beasley was elected Governor and left the practice of law. During the years from 1989 to

1994 I practiced primarily in the areas of personal injury, real estate, probate, domestic law and I was regular counsel to Carolina Bank & Trust Company. I also handled general civil litigation matters. In 2005 H. Thad White Jr. joined our firm. In 2009 Fred W. Auman III left our office and began a solo practice. Our firm was known as Lucas, Warr & White from 2009 until I left the firm in March, 2022 to serve as a Family Court Judge. In February, 2022 I was elected to serve as a Family Court Judge in the Fourth Judicial Circuit.

From approximately 2007 to 2022 I steadily increased my practice in Circuit Court mediation and serving as special referee in non-jury matters. I heard many civil matters as special referee and in recent years I mediated many cases in primarily Darlington County and Florence County. Otherwise, I did some personal injury practice, real estate, probate, general civil litigation and business formation and transactions. I served as regular counsel to Carolina Bank & Trust Company from 1989 to 2022.

From 1989 to 1994 I jointly managed our firm's regular and trust accounts with David Beasley. After Beasley left the practice I became the office manager as to financial management and management of trust accounts. I continued in that role at Lucas, Warr & White until I left to serve as Family Court Judge in 2022.

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

My experience in criminal matters was primarily in my first few years of practice as an attorney. In the past five years I have not represented any criminal defendants.

I regularly handled civil matters throughout my years of practice. In the five years previous to beginning as a Family Court Judge (March 2022) I handled personal injury cases, probate litigation, real estate disputes, contractual litigation, general civil matters and represented Carolina Bank & Trust.

The last case in which I participated was tried before a civil jury in February of 2022 and early March of 2022 just prior to my beginning work as a Family Court Judge. My then law partner H. Thad White, Jr. and I tried an accident case in which our client sustained head injuries

when he was struck by a vehicle while riding a motorcycle. We had issues of permission to use the vehicle, insurance coverage and liability in the accident. The first trial of the case ended with a mistrial because the jury could not reach a verdict. Two weeks later we tried the case again in Darlington County and won a good verdict for our client.

Through the years I have handled numerous personal injury cases. However, I have generally engaged in different types of civil litigation. For example, I represented a farmer in Darlington County a few years ago who had the majority of his cotton crop destroyed by improper fertilizer application by a company he hired each year to spread fertilizer and spray chemicals. The fertilizer distributor denied fault and we filed suit on his behalf with the case ending at mediation after a good bit of litigation.

On occasion I did represent Defendants in matters. I represented several small businesses and usually handled all matters for them. I represented Carolina Bank Trust from 1989 to 2022 and defended them on numerous matters dealing with banking issues. I also handled many foreclosures for Carolina Bank.

I have served as Special Referee on numerous cases over the years. I heard many foreclosure actions as a Referee, but also numerous other types of litigation such as contractual disputes, construction litigation, real estate disputes and tax sale cases.

I do lack experience in recent years in criminal matters. During my law school years and early years of law practice at the Saleeby, Cox and Bledsoe firm I spent a great deal of time with my mentor James C. Cox. Mr. Cox was a tremendous criminal trial lawyer and in high demand. He tried serious criminal cases regularly and I was with him often.

In the five years previous to my beginning service as a Family Circuit Judge, and prior to those years, I regularly appeared in Circuit Court on numerous civil matters. I also did appear in General Sessions Court on one fairly recent occasion to oppose bond for four Defendants charged with murder in Florence County. I was there on behalf of the family of the victim.

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

(a) Federal: I have not appeared in Federal Court in the past five years
(b) State: In the past five years I have been to trial in only one jury trial (automobile accident) as we now settle many matters at mediation. (However, we did try that case twice.) I have appeared on many non-jury matters and I have appeared on a regular basis before a special referee or Master-in-Equity. I have handled many foreclosure matters for a banking client before a special referee or Master-in-Equity in the past five years.

Judge Warr reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) Civil: 20%;
(b) Criminal: 0%;
(c) Domestic: 0%;
(d) Other: 80%
-Real Estate
-Special Referee
-Medation
-Probate
-Business formation/transactions

Judge Warr reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: 15%
(b) Number of cases that went to trial and resulted in a verdict: One.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: I have no criminal cases in the past five years.
(d) Number of cases settled after jury selection but prior to opening statements: None.

Judge Warr 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 Warr's account of his five most significant litigated matters:
(a) Henry Wesley Beasley v. Al Dawson
(This case involved a boating accident at Lake Marion. The Defendant was operating a boat and struck the Plaintiff who was swimming near a dock and seriously injured him. The case involved issues about boating,

water safety and negligence and was tried to a jury in Florence County and then settled before the jury returned to the courtroom with a verdict.)

(b) Beulah Robinson and Susan Jordan v. Gena Poole Davis and Pepsi-Cola Bottling Company

(In this case, which I tried with my mentor James C. Cox, Jr. of the Saleeby, Cox and Bledsoe firm in Hartsville, the Plaintiffs were seriously injured when a drunk driver hit a large truck which then hit the Plaintiffs. The jury returned an award for the Plaintiffs against the Defendants which I was told at the time in 1990 was the largest civil jury verdict ever in Darlington County, but I am not certain that is true.)

(c) Wright and Gadsden v. Colleton County

(In this case a young man twenty-one years of age was killed while traveling as a passenger with his father when they were struck at night by a Colleton County Deputy Sheriff who was traveling at a very high rate of speed with no blue light or siren. The jury in Colleton County returned a favorable verdict in favor of Plaintiff. I tried this case with attorney Paul N. Siegel of Walterboro. Colleton County filed an appeal, but the Court of Appeals affirmed the decision. Wright v. Colleton County (S.C. App. 2014) Appellate Case No. 2012-212865, (Unpublished Opinion No. 2014-UP-011).

(d) Progressive Home Builders, Inc. v. Grace Hucks and Window Works, Inc.

(This construction dispute went to a non-jury trial in Florence County. My client Window Works, Inc. won its cross-claim against Hucks for payment of a substantial amount for windows and doors it provided for a large, upscale house. Hucks filed an appeal, but the Court of Appeals affirmed the decision. Progressive Home Builders, Inc. v. Hucks (S.C. App. 2013) Appellate Case No. 2010-181289, (Unpublished Opinion No. 2013-UP-057).

(e) In the Matter of the Estate of Nathaniel Welch Morrisette, Jr.; 2014-CP-40-02769

(Many parties were involved in this probate matter which was a dispute over the validity of Morrisette's Will. I represented two of the named beneficiaries in the disputed Will. The estate was large in value and highly contested. It began in Probate Court in Richland County and was moved to Common Pleas.)

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

(a) Wright v. Colleton County, Appeal from Colleton County, Court of Appeals Affirmed January 8, 2014, Appellate Case No. 2012-212865, (Unpublished Opinion No. 2014-UP-011).
(b) Progressive Home Builders, Inc. v. Hucks, Appeal from Florence County, Court of Appeals Affirmed January 30, 2013, Appellate Case No. 2010-181289, (Unpublished Opinion No. 2013-UP-057).
(c) Gertrude Wrenn v. Chester County Hospital, Case was dismissed on Defendant's Motion. On an appeal to the Court of Appeals that decision was Reversed and the case then settled prior to trial, 1987-CP-12-00161A

Judge Warr reported that has not personally handled any criminal appeals.

Judge Warr reported that he has held the following judicial office(s):
I was elected to serve as a Family Court Judge in February of 2022. I began serving as a Family Court Judge on March 19, 2022 and presently still serve.

Judge Warr provided the following concerning significant orders or opinions:
I do not have any Orders which would be responsive to this question. I have only served as a Family Court Judge for a little over two (2) years. There are no appellate reviews of any of my decisions as a Family Court Judge.

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

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Warr 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 Warr is married to Cassandra Anderson Warr. He has two children.

Judge Warr reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar;
(b) Darlington County Bar (President 1999-2000);
(c) Pee Dee Chapter of the American Inns of Court.

Judge Warr provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Pee Dee Chapter - American Inns of Court
(b) Lamar Civitan Club

Judge Warr further reported:
I was raised in a rural community in Darlington County. We lived on the farm where my father and grandfather also were raised. My mother also grew up in a farm family not far away in Florence County. As a child I had all of my grandparents near me and I was regularly with them. My parents both grew up working hard on the farm and that was expected of me also.

When I was eight years old I was told my time to work in the tobacco field had arrived. I was excited about it until I actually got started. The difficulty of the work and the heat all day was extremely tough, but it made me realize life is not easy and every day would have its challenges. My father often gave me serious tasks to handle at a young age. Out of necessity, I learned how to be self disciplined.

My father Preston Warr farmed, operated an agricultural retail business, operated a tobacco sales warehouse, served in the state House of Representatives and for twenty-five years served as a part-time Magistrate in Darlington County. I was with him on many occasions as he handled a wide variety of issues and conflicts. Obviously, I am favorably biased toward my father, but he was an outstanding Magistrate who could read people and he was always courteous and kind to them. Although he retired from that position over twenty-five years ago, I still hear stories from people who were in law enforcement and others with civil matters who tell a story about appearing in Magistrate Court with my father. He settled many disputes and seemed to have an almost

magical way of helping fighting neighbors or family members in a dispute to forgive, reconcile and move on.

I believe my father was a good listener and always treated even the most difficult people with respect and courtesy. On occasion I saw him change a hostile litigant into a cooperative and contrite person by simply treating that person with patience and listening or maybe telling that person a story that somehow related to them.

My mother also had great impact on me as to how to treat others. She was a very outgoing person who loved other people and she held my two sisters and me to a high standard in our behavior and conduct toward others. I learned many great lessons from wonderful parents and they no doubt largely shaped who I am today.

If I am elected to a Circuit Court position, I would do my best to do my duty to our state and its citizens, and also to honor the way I was taught by my parents as I saw how they conducted their lives.

As a lawyer practicing from 1985 to 2022, I have experienced representing many types of people. I had clients who were clearly good, honest people trying to live in the right way and I have had clients who were not honorable or honest. I have represented them all to the best of my ability and I have learned much about human behavior from these experiences. Participants in any type of matter, witnesses, jurors, lawyers and court personnel all deserve a patient, caring and hopefully wise judge. I would strive every day to live up to that standard.

I have seen good and bad in many people. I have been through many types of storms in life with these people and I believe I have the balanced perspective which is needed to serve as a judge.

I believe my life's experiences and the blessing of being raised by hard working parents who demanded a lot from me have prepared me for effective service as a judge.

(11) Commission Members' Comments:
The Commission commented on Judge Warr's reputation as being a very capable and kind judge. Further, they noted that his character, reputation, integrity, and temperament set him apart.

(12) Conclusion:
The Commission found Judge Warr qualified, and nominated him for election to Circuit Court, Fourth Judicial Circuit, Seat 2.

Ashley A. McMahan
Circuit Court, Fifth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Ms. McMahan was born in 1978. She is 46 years old and a resident of Columbia, South Carolina. Ms. McMahan 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 2004.

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

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

Ms. McMahan 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. McMahan 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. McMahan to be intelligent and knowledgeable.

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

(a) I taught law-related courses while an adjunct at South University between 2010-2018. I taught Environmental Law, which was an overview of the more significant federal environmental law as well as an overview of South Carolina's environmental laws. I also taught Introduction to Paralegalism, which was a basic overview of the court system in the United States as well as South Carolina, basic legal terms, and how to find cases online, etc.

I also taught Real Estate (an overview of property rights and types of deeds), Trust and Estates (an overview of wills, intestacy, etc.), and Intellectual Property (an overview of trademarks, copyright, patents, etc.).

I taught Introduction to Information Literacy (LIBR 101) at the University of South Carolina from August 2013 through December 2016. While this is not specifically a legal or law type course, the course does relate to the legal field as it teaches basic research and information literacy skills, which apply to all fields. This course teaches the basics of how to do competent research online by analyzing the source, date of publication, the author, etc., while also teaching the differences between opinions (most blogs) to news and periodicals.

(b) I have lectured at the following:

1. Post-Conviction Relief and Habeas Corpus: Preserving the Conviction

South Carolina Bar Continuing Legal Education Seminar - September 18, 2009
Columbia, South Carolina

2. Protecting Convictions from Collateral Attack

South Carolina Solicitors' Association Annual Conference - September 29, 2009
Hilton Head Island, South Carolina

3. Environmental Statutes and Related Crimes & Preparing a Case for the Prosecutor

Southeastern Environmental Enforcement Network - June 28-30, 2010
Columbia, South Carolina

4. Environmental Crimes in South Carolina
South Carolina Bar Continuing Legal Education Seminar – January 21, 2011
Columbia, South Carolina

5. Natural Resources & Environmental Law
South Carolina Bar Continuing Legal Education Seminar – August 22, 2014
Columbia, South Carolina

6. Advanced Environmental Crimes Training Program
Federal Law Enforcement Training Center – July 2015 & April 2016
Glynco, Georgia

7. Environmental Law in South Carolina
South Carolina Bar Continuing Legal Education Seminar – June 3, 2016
Columbia, South Carolina

8. 31st Annual Criminal Practice in South Carolina
South Carolina Bar Continuing Legal Education Seminar – February 18, 2022
Columbia, South Carolina

9. Prosecution CLE Series - Case Round Up
South Carolina Commission on Prosecution Coordination – October 11, 2022
Zoom Webinar

10. The Holy City CLE
American Immigration Lawyers' Association – January 13, 2023
Charleston, South Carolina

11. The Soda City CLE
American Immigration Lawyers' Association – February 9, 2024
Columbia, South Carolina

12. 33rd Annual Criminal Practice in South Carolina
South Carolin Bar Continuing Legal Education Seminar – February 23, 2024
Columbia, South Carolina

13. Prosecution Basics for Law Enforcement Officers
South Carolina Prosecution Coordination Commission – February 27, 2024
West Columbia, South Carolin

14. Name and Gender Marker Changes
The Rainy Day Fund – June 6, 2024
Columbia, South Carolina

15. Indigent Defense Contract Attorney Criminal/PCR Training

South Carolina Commission on Indigent Defense – June 21, 2024
Columbia, South Carolina

16. Legal Aid University

South Carolina Legal Services – October 22, 2024
Columbia, South Carolina

Ms. McMahan reported that she has published the following:

(a) Environmental Law in South Carolina, Fourth Edition, (SC Bar CLE 2016)

Contributing author, Chapter 12 – Environmental Crimes in South Carolina

(b) The South Carolina Post-Conviction Relief Manual, Second Edition, (SC Bar CLE 2008) Case law update through December 31, 2009 published March 2010

(4) Character:

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

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

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

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

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

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

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

(8) Experience:
Ms. McMahan was admitted to the South Carolina Bar in 2004.

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

(a) McMahan Law, LLC – Columbia, SC
Owner, January 2022 - present
(formerly McMahan & Taylor Attorneys, LLC - Owner/partner, July 2016 – Dec 2021)

Defends criminal matters across the midlands.
Handles family based immigration matters such as fiancé(e) visas, spousal visas, etc.
Files and handles naturalization cases.
Prosecutes post-conviction relief matters across the state.
Files and handles civil matters in magistrate and Common Pleas courts
Handles appeals in the South Carolina Court of Appeals and the South Carolina Supreme Court.
Files pardons and expungements on behalf of clients.
Litigates vital record amendment matters in both Common Pleas and Family Court.
Litigates simple divorce matters in Family Court.

Handles all financial and administrative management of law firm, including trust accounts.

(b) Sixth Circuit Solicitor's Office - Lancaster, SC
Assistant Solicitor, February 2017 – present
Lancaster & Fairfield Offices

Tried at least five cases to jury verdict.
Handled prosecution of special victims' crimes:
sexual misconduct, domestic violence, etc.

Prosecute felony level offenses including murders, armed robbery, etc.
Handle juvenile criminal cases in Family Court.

(c) South University - Columbia, SC
Adjunct Professor, June 2010 – May 2018

Taught Environmental Law; Intro to Paralegalism; Intellectual Property; Real Estate; Trusts & Estates.

(d) South Carolina Attorney General's Office- Columbia SC
Assistant Attorney General August 2006 – July 2016
Special Assistant United States Attorney, May 2011 – July 2016

Prosecution & State Grand Jury Section (2008-2016)
Handled State Grand Jury cases, including appeals and PCRs.
Sworn Delegate to the South Carolina State Grand Jury, with statewide jurisdiction.
Prosecuted South Carolina criminal environmental matters and other matters as assigned.
Handled all State Grand Jury post-conviction relief matters.
Indicted the first-ever State Grand Jury environmental criminal case.
Provided guidance and interpretation of laws to investigators.

Post-Conviction Relief & Criminal Appeals Section (2006-2008)
Handled approximately 550 Post-Conviction Relief and State Habeas Corpus cases.
Wrote approximately seven Petitions for Writs of Certiorari to the state Supreme Court and approximately 110 Returns to Petitions for Writs of Certiorari, and handled other Appellate Court briefings

(e) The Honorable Clifton Newman - Kingstree, SC
Judicial Law Clerk, November 2004 – July 2006
Wrote orders, handle scheduling, liaison between the judge and members of the Bar, organized the office, saved judge's life from a heart attack.

(f) Rogers, Townsend, & Thomas, PC - Columbia, SC
Law Clerk/Title Reviewer, June 2004 – November 2004
Reviewed title abstracts for title insurance binders.

(g) Anderson & Brown, LLC – Hampton, SC
Law Clerk, June 2004 – November 2004

General law clerk duties, drafting deeds, abstracting, assisting with court matters, etc.

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

My experience with criminal law started once I graduated from law school and started clerking for Judge Newman back in 2004. I have been handling criminal law matters for eighteen years now. Most of my criminal law experience has been as a prosecutor; however, in private practice I have had criminal defense clients with cases in Summary Court as well as in General Sessions. I also work with the Sixth Circuit Solicitor's Office prosecuting all kinds of criminal matters from domestic violence court, to juvenile court, to high level felonies. I've referenced a few cases in Number 15.

The issues involved in my criminal cases are all over the board. It could be a juvenile waived up to General Sessions, it could be issues related to the chain of custody for drugs, it could be a statement made by a child in a forensic interview setting. I've had all of these issues come up before and then some. I am in Circuit Court at least five days a month, usually more.

My civil practice consists mostly of post-conviction relief matters, a few personal injury matters, general civil litigation, as well some immigration cases. While most people probably don't think of post-conviction relief as a civil matter, these cases are civil and are filed in Common Pleas. Instead of a Summons & Complaint, the Applicant files an Application. Instead of an Answer, the State files a Return. Otherwise, all the same civil rules of procedure apply. I have been doing post-conviction relief matters since 2006. I continue to do them now via appointment or by being retained. I have probably handled close to 400 of these cases. Most of the issues involved in these cases related to ineffective assistance of counsel of their prior criminal attorney since these cases are collateral attacks on criminal convictions. I have also been handling quite a bit of litigation in probate court as well as some general civil litigation matters including breach of trust, breach of contract, etc.

In addition, my civil practice also consists of general civil matters in magistrate courts as well as appeals from magistrate court, some family

court matters, probate, and civil cases in federal court. Some of the types of cases I have handled/filed in magistrate courts include breach of contract type matters, restraining orders, etc. My family court experience has been with simple divorces, name changes, gender marker changes, as well as juvenile prosecution matters. In federal court I have filed federal habeas corpus cases and writs of mandamus related to immigration matters. I have also handled vital records litigation in Circuit Court.

Ms. McMahan reported the frequency of her court appearances during the past five years as follows:
(a) Federal: 1%;
(b) State: 99%.

Ms. McMahan reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 45%;
(b) Criminal: 45%;
(c) Domestic: 3%;
(d) Other: 7%.

Ms. McMahan reported the percentage of her practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: The vast majority of my practice is in trial court. I would estimate at least 85% of what I do is in trial court. (I am including both jury trials and bench trials.) If I were to split between jury and non-jury practice, I would estimate that 20% of my criminal cases end up as a jury trial, while the remainder of my cases are bench trials or are matters that are generally handled short hearings. (i.e. Juvenile trials, post-conviction relief matters, and family court matters.)

(b) Number of cases that went to trial and resulted in a verdict: This is a hard number to quantify as I handle both jury and non-jury matters but over the past five years I estimate I have tried to verdict at least six jury trials. (This includes during the COVID shut down.)

(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: Again, difficult to quantify simply because record management does not distinguish between a

matter that started as a trial and ended up with a guilty plea. I estimate I have had at least another five cases where a jury was pulled and/or opening statements or the State's case was presented and then the Defendant decided to plead guilty.

(d) Number of cases settled after jury selection but prior to opening statements: Please see the above answer.

Ms. McMahan provided that during the past five years she most often served as sole counsel, occasionally co-counsel

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

(a) State of South Carolina v. David Matthew Carter (Lancaster County 2016-GS-29-00036, 37, 38) – Criminal Sexual Conduct with a Minor, First Degree. A week-long trial involving a minor who was the step-daughter of the defendant. Judge allowed the defendant to be in secondary courtroom while the minor victim testified. Matter is currently on appeal and oral arguments were recently held at the Supreme Court.
Https://www.heraldonline.com/news/local/crime/article211857364.html

(b) Ivis Ahimara Reyes Yedra v. State of South Carolina (Lexington County 2017-CP-32-04132) – Post-Conviction Relief matter stemming from a State Grand Jury conviction. Applicant was not properly advised of immigration consequences, among other things. Was denied relief in lower court. Certiorari was denied. Remittitur sent on March 23, 2023.

(c) State of South Carolina v. George W. Smolen (State Grand Jury 2013-GS-47-0003) – First and only State Grand Jury environmental case. Defendant was an armchair chemist and was attempting to create biodiesel. Contaminated large areas of land and runoff seeped into Lake Hartwell. https://regionalassociations.org/upstate-businessman-target-of-first-sc-state-grand-jury-pollution-indictment/

(d) State of South Carolina v. Charlie Tillman (Abbeville County 2013-GS-01-00175, 176, 177) – Calhoun Falls town councilman was arrested for driving under the

influence and threatening a public official. Trial was started but after two days of testimony, defendant decided to plead guilty. Very contentious matter within that community, defendant was the reason the entire police force of Calhoun Falls quit. https://www.wyff4.com/article/upstate-councilman-charged-with-dui-takes-plea-deal/7009388

(e) State of South Carolina v. George Ralph Bobo – (Greenville County, 2013-GS-23-08476, 08477) – Defendant was former police officer for Simpsonville. During a job interview with SLED, he admitted to destroying evidence in a murder case. Charged with misconduct in office and obstruction of justice.
https://www.greenvilleonline.com/story/news/local/golden-strip/2015/06/16/bobo-guilty-misconduct-investigation-murder/28839239/

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

(a) Simuel v. State of South Carolina, 390 S.C. 267, 701 S.E.2d 738 (Sup. Ct. 2010)
(b) Robinson v. State of South Carolina, 387 S.C. 568, 693 S.E.2d 402 (Sup. Ct. 2010)
(c) Edwards v. State of South Carolina, 392 S.C. 449, 710 S.E.2d 60 (Sup. Ct. 2011)
(d) Barber v. State of South Carolina, 393 S.C. 232, 712 S.E.2d 436 (Sup. Ct. 2011)
(e) Yedra v. State of South Carolina, Appellate Case No.: 2019-1309. Remittitur sent on March 23, 2023. Not reported.

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

(a) State of South Carolina v. Whitesides, 397 S.C. 313, 725 S.E.2d 487 (Sup. Ct. 2012).
(b) Rosetta Miller v. State of South Carolina, criminal appeal from magistrate court to Common Pleas. Not reported. (2022-CP-20-00253)
(c) Marcelius Jeter v. State of South Carolina, criminal appeal from magistrate court to Common Pleas. Not reported. (2024-CP-20-00122)

Ms. McMahan further reported the following regarding unsuccessful candidacies:
I ran for a Circuit Court, At-Large Seat 3 in 2022. I withdrew from the race mid-November 2022. I also ran for Circuit Court, At-Large, Seat 8 in 2023. I was qualified but not nominated.

(9) Judicial Temperament:
The Commission believes that Ms. McMahan's temperament would be appropriate for a judge.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. McMahan to be "Qualified" in the evaluative criteria of constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Committee commented, "Committee concerned about her courtroom demeanor if elected."

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

Ms. McMahan reported that she was a member of the following Bar and professional associations:
(a) Richland County Bar Association
(b) Lexington County Bar Association – Executive Committee 2020 & 2021
(c) Lancaster County Bar Association – 2017-2022
(d) American Immigration Lawyers Association – CLE Committee 2019 to present
(e) Trial & Appellate Advocacy Committee – Executive Committee 2022 to present
(f) Practice & Procedure Committee
(g) South Carolina Association for Justice
(h) Solo & Small Firm Section
(i)Fairfield County Bar Association
(j)Young Lawyers Division – YLD Executive Committee, 5th Circuit Representative July 2009 – June 2013
(k) South Carolina Women Lawyers' Association – 2005 to 2007 (approx..)
(l)SC Bar House of Delegates

Ms. McMahan provided that she was a member of the following civic, charitable, educational, social, or fraternal organization, and received the following recognition:
(a) SQ Rescue – SBT (pet rescue)
(b) Carolina Hearts Aussie Rescue
(c) South Carolina Bar Leadership Academy, Inaugural Class 2008-2009
(d) South Carolina Bar YLD Star of the Quarter – FY 2010-2011
(e) John R. Justice award – 2018 Solicitor's Conference
(f) SC Women Lawyer's Association – Young Lawyer to Watch, September 2006
(g) Series 6 & 63 securities licenses – 2000 to 2001
(h) SC Life, Accident, & Health Insurance License – 2000 to 2001
(i)Certified Civil Court Mediator – August 2023 - present

(11) Commission Members' Comments:
The Commission commented that Ms. McMahan is a forceful advocate, involved in her community, and has great experience.

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

Christopher Dolan Taylor
Circuit Court, Fifth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Taylor was born in 1971. He is 53 years old and a resident of Columbia, South Carolina. Mr. Taylor provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

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

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

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

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

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

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

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

(a) In 2014, I taught as an adjunct paralegal studies instructor at South University, Columbia.
(b) In 2013 and 2014, Faculty Member, SC Commission on Prosecution Coordination, Bootcamp Seminar for new attorney instruction.

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

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

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

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

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

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

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

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

(8) Experience:
Mr. Taylor was admitted to the South Carolina Bar in 2001.

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

(a) 2001- 2014 – Sixth Circuit Solicitor's Office – Deputy Solicitor 2008 – 2014, Assistant Solicitor 2001-2008.

As an assistant solicitor and then deputy solicitor I handled a litany of criminal matters ranging from magistrate court and family court prosecutions to serious violent felony and drug cases as well as murder and sexual assault cases. I was extensively involved in preparing and arguing motions, as well as conducting trials in general sessions, family court and magistrate's court given the volume of cases in our circuit and our often times limited resources. As deputy solicitor, I had a limited supervisory role in the office and mainly focused on preparing cases for disposition in general sessions court. I was not involved in managing any financial accounts in the office.

(b) 2014 – Present - US Attorney's Office – Assistant United States Attorney (AUSA) - Organized Crime Drug Enforcement Task Force (OCDETF) and Narcotics and Violent Crimes

I have prosecuted OCDETF-related cases which target higher-level drug traffickers in the South Carolina area and who may have drug

connections in other parts of the United States and the world. I also prosecute narcotics and violent crime cases which often focus on felons who are unlawfully in possession of firearms and unlawful drugs. These felons may have firearms in connection with other violent crimes.

I do not manage any financial accounts within the office.

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

As noted above I've handled the gambit of criminal cases. These matters often involve complex constitutional issues such as whether a search and seizure was proper in a given case, Miranda issues, or a host of other issues common to criminal prosecutions.

My civil experience has been very limited during my time as a prosecutor. I did on occasion handle commitment matters in probate court. While I was in law school, I clerked at Turnipseed and Associates for several years. During that time, I drafted numerous pleadings, discovery motions, and memorandums of law centered on personal injury cases. I was fortunate to be involved in weekly meetings with lawyers to discuss various issues in their cases and help in determining appropriate resolutions.

While I recognize my experience is more focused on criminal practice, I have thorough knowledge of the South Carolina Rules of Evidence, and I intend to supplement my civil knowledge through CLEs and consulting judicial colleagues for assistance where appropriate. I have no doubt that my ability to navigate complex criminal matters will carry over to the work required to become adept in the same way on civil matters.

Mr. Taylor reported the frequency of his court appearances during the past five years as follows:
(a) Federal: Weekly at times.
(b) State: None in the last five years.

Mr. Taylor 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: 100%

(c) Domestic: 0%
(d) Other: N/A

Mr. Taylor reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%
(b) Number of cases that went to trial and resulted in a verdict: I had two cases that went to trial and both ended in guilty verdicts. Given the nature of federal practice, trials are not as frequent as my experience in state court.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0
(d) Number of cases settled after jury selection but prior to opening statements: 0

Mr. Taylor provided the following regarding his role as counsel during the past five years
I served as lead counsel in most of my cases. I was fortunate to be co-counsel on others, including a major federal drug trafficking and dogfighting case.

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

(a) United States v. Glenn Pernell, et al., 2023 WL 3050983 (4th Cir. 2023)

This was my first time participating in a wiretap trial. Though I came in to assist with the trial including making closing arguments, I gained valuable insight from the two very experienced AUSAs into how those cases come start as substantial law enforcement field work into the final presentation of the evidence to a jury.

(b) United States v. Jamal Lewis, 719 Fed.Appx.210 (4th Cir. 2018)

This was my first federal trial. I had to prepare the case from start to finish as well as arguing before the Fourth Circuit Court of Appeals. I was provided a unique opportunity to literally build a case from the ground up. The appeals of state court trials were handled by a different agency. But arguing the case in an appellate gave me a new perspective on not just how jurors see the facts but how judges weigh the law in particular case

(c) United States v. Santerrio Smith, et al.

This was a dogfighting case associated with the Pernell case that went to trial. I had never tried that type of case in court. It was quite a learning curve to get up to speed on expert testimony used in that case.

(d) State v. John Anderson

This was a drug case and my very first case prosecuted. The state prevailed in this case.

(e) State v. James Oscar Douglas

This was an aggravated home invasion case. The victim ended up paralyzed after being shot in his home. This was one where I felt the state worked well to protect the victim's rights in this case.

Mr. Taylor reported that he has not personally handled any civil appeals.

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

(a) United States v. Jamal Lewis (4th Cir. 2018)

(b) United States v. Tommy Adams, Jr., 788 Fed.Appx. 198 (4th Cir 2019)

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Taylor to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee noted: "'0' civil experience listed but his position prevented it. Great work ethic."

Mr. Taylor is married to April Taylor. He has one child.

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

(a) South Carolina Bar (Member) 2001 - Present

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

(a) Sandhills Community Church – 2015 – present- church attendance.
(b) Alive Church St. Louis – 2023 – present – church attendance.

Mr. Taylor further reported:
I believe my life experiences, both work and personal; have prepared me to become a Circuit Court Judge. My family has instilled in me the values of kindness, honesty, integrity, and respect for others. The practice of law is difficult, but throughout my experiences I have learned the value of fairness. I will dedicate myself to the goal of not only representing the values of this esteemed branch of government but also in providing fair and impartial service to the citizens of this State.

(11) Commission Members' Comments:
The Commission members commented that Mr. Taylor is a great prosecutor who exercises power the way that he should. The Commission noted that Mr. Taylor lacks civil experience, but he is willing to learn. The Commission commended Mr. Taylor on his calm and measured demeanor and considered that he would be an asset to the bench.

(12) Conclusion:
The Commission found Mr. Taylor qualified, and nominated him for election to Circuit Court, Fifth Judicial Circuit, Seat 1.

William K. Witherspoon
Circuit Court, Fifth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND 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 65 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 not served in the military.

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

(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
Assistant United States Attorney, 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 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 FBI 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) Percentage of practice, including cases that settled prior to trial: 100%.
(b) Number of cases that went to trial and resulted in a verdict: 10%.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0%.
(d) Number of cases settled after jury selection but prior to opening statements: 0%.

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 (S.C. 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. Out of 19 defendants charged, sixteen plead guilty to varying charges. Three defendants went to trial and were convicted of all charges. This case is on appeal. 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 which help lower the number of opioid related deaths 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 reported that he has held the following judicial office:
I was appointed a Municipal Court judge for the City of Columbia in August 1998. I served in this position until May 2000 when I joined the United States Attorney's Office.

Mr. Witherspoon provided the following list of his most significant orders or opinions:
As a Municipal Court judge, I did not issue any order or opinion.

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 ran for the Circuit Court, At-Large, Seat No. 3 in 2022. I was found qualified but not nominated.

(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. The Committee noted: "Well qualified."

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- 2023 Vice-chairman; 2024 Chairman
(b) Child Evangelism Fellowship 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. In 2023, I received the Compleat Lawyer Platinum Medallion. 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 commented that Mr. Witherspoon has a great reputation among the South Carolina Bar as a smart and hard-working attorney. They noted he is well qualified to be a circuit court judge.

(12) Conclusion:

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

The Honorable J. Derham Cole, Jr.
Circuit Court, Seventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

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

Judge Cole was born in 1977. He is 47 years old and a resident of Spartanburg, South Carolina. Judge Cole provided in his application that

he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

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

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

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

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

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

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

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

(a) During my tenure in the General Assembly, I provided legislative updates from time-to-time at legal association meetings such as the S.C. Bar Convention and the S.C. Defense Trial Attorneys Association Summer and Annual Meetings.
(b) I participated in teaching an in-house law firm CLE with fellow associates in my first couple of years of practice.

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

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

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

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

(5) Reputation:
Judge Cole reported that his last available ratings by legal rating organizations were Super Lawyers, Rising Stars 2016, and Martindale-Hubbell: AV.

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

Judge Cole reported that he has held the following public office:
S.C. House of Representatives, 2008-2018, Elected. Reports with the State Ethics Commission were timely filed.

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

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

(8) Experience:
Judge Cole was admitted to the South Carolina Bar in 2003.

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

(a) South Carolina Judicial Department, Spartanburg, SC
Judge-Elect, Seventh Judicial Circuit, Seat 1
April 2024-Present

(b) Wilkes Law Firm, P.A., Spartanburg, SC
Attorney, July 2010 – December 2018

- Represented clients in business transactions, business litigation, construction litigation, and torts and insurance defense.

(c) Cole Law Firm, LLC, Spartanburg, SC

Sole Member, July 2009 – July 2010

- Represented clients in business transactions and litigation matters.
- Managed all administrative and financial functions of the firm.

(d) Parker Poe Adams & Bernstein, LLP, Spartanburg, SC
Associate Attorney, September 2006 – June 2009

- Represented clients in corporate and business transactional matters.

(e) Leatherwood Walker Todd & Mann, P.C., Greenville, SC
Associate Attorney, September 2003 – August 2006

- Represented clients in corporate and securities matters.

Judge Cole reported that he has held the following judicial office(s):
I have been Judge-Elect to Circuit Court, Seventh Circuit, Seat 1 since April 2024. I have not held other judicial office.

Judge Cole provided the following list of his most significant orders or opinions:
I have not yet issued orders or opinions

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

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Cole 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.

Judge Cole is married to Suzane Curry Boulware. He has two children.

Judge Cole reported that he was a member of the following Bar and professional associations:
a) S.C. Bar Association (Seventh Circuit YLD Representative, 2007-2009)
(b) Spartanburg County Bar Association

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

(a) Chair, Daniel Morgan District Committee, Palmetto Council, Boy Scouts of America, 2022-2023.
(b) Cubmaster, First Presbyterian Church, Pack 2, Palmetto Council, BSA 2023-Present
(c) Trustee, Spartanburg County Libraries, 2018-Present.
(d) Member, Board of Directors, Healthy Smiles of Spartanburg, Inc., 2019-Present; Chair, 2023-Present.
(e) Member, Board of Governors, Piedmont Club, 2023-Present.
(f) Member, Board of Directors, Piedmont Interstate Fair Association, 2019-2024.
(g) Member, Caroliniana Ball, 2017-Present
(h) Member, Rotary Club of Spartanburg, 2009-2021; Board of Directors, 2020-2021.
(i) Member, South Carolina Bar Association; Representative for the 7th Judicial Circuit, South Carolina Bar Association Young Lawyers Division, 2007-2009.
(j) Dancer, Dancing with the Spartanburg Stars benefiting Cancer Association of Spartanburg and Cherokee Counties, 2015.
(k) Member, Country Club of Spartanburg, 2012-Present

AWARDS

(l) Duke Energy Citizenship and Service Award, OneSpartanburg, Inc., 2020.
(m) Order of the Palmetto, 2018. The Order of the Palmetto is the state's highest civilian honor awarded to citizens of South Carolina for extraordinary lifetime service and achievements of national or statewide significance.
(n) Business Advocate Award, Spartanburg Area Chamber of Commerce, 2018.
(o) Legislator of the Year, S.C. Human Service Providers Association, 2016.
(p) Business Advocate Award, S.C. Chamber of Commerce, 2010-2011, 2013, 2015-2017.
(q) Sword & Mace, Business and Industry Political Education Committee, 2013.

Judge Cole further reported:
I have dedicated most of my post-graduate life to the legal profession and public service. Having the ability to merge these two vocations, passions and interests in service to the state as a circuit court Judge Cole is a high honor for which my experience in private practice as well as my service in the General Assembly has well-equipped me. As a public servant, I believe my constituents would say I represented them effectively, diligently, and compassionately. As a lawyer, I have represented my clients zealously and ethically, while maintaining a collegiality with fellow lawyers that I hold as one of the hallmarks of the South Carolina Bar.

In addition, my experience in higher education, including taking over as interim chancellor of a comprehensive university at the onset of a global pandemic, has allowed me to use my legal education and background from the perspective of an executive decisionmaker. My legal background and analytical skills served me well in navigating the myriad legal issues facing a complex organization on a daily basis, all of which were amplified by the challenges posed by operating in a pandemic. From assessing the liability landscape, to negotiating and renegotiating agreements with vendors and community partners on the fly, my ability to see issues and assess risk was invaluable. I also routinely used the skills I developed in pursuit of my Master of International Business Studies degree from the University of South Carolina. These skills will be useful on the bench, particularly in complex business matters.

(11) Commission Members' Comments:

The Commission noted in their discussion of Judge Cole that his BallotBox comments are reflective of the great reputation that he enjoys in the legal community. They expressed pleasure at Judge Cole's ongoing favorable temperament and further expressed their confidence in the quality of his future service on the bench.

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

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

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Jefferson was born in 1963. She is 61 years old and a resident of Charleston, South Carolina. Judge Jefferson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1989.

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

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

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

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

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

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

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

(a) Business Law Instructor, Trident Technical College Paralegal Program, 1993-1994 School Term;

(b) "Rules, Rules, Rules" South Carolina Practice and Procedures Update, Presenter on the issue of Family Court Rules, SC Bar, March 20, 1998;
(c) Speaker/Panel Participant Wiley A. Branton Symposium, National Bar Association, October 24, 1998;
(d) "Current Issues in Attorney's Fees," Presenter, SC Bar Association, November 6, 1998;
(e) Recent Developments in Family Law, "Six by Six" CLE Seminar, Presenter, Charleston County Bar Association, December 10, 1998;
(f) "Adjudication Hearings", Presenter and Contributor to Family Court Judges Juvenile Workbook, SC Association of Family Court Judges, May 20, 1999;
(g) "Tips from the Bench", Adoption, Presenter, S.C. Bar Association, February 25, 2000;
(h) "The Role of the Judge and Guardian ad Litem in Abuse and Neglect Proceedings" Judges Panel, South Carolina Guardian ad Litem Conference, April 14, 2000;
(i) "Women, Leadership and the Law," Brown Bag Lunch Panel Participant, S.C. Women Lawyers Association and College of Charleston Women's Studies Program, September 22, 2000;
(j) (Family Law Update and Tips from the Bench, Presenter, Charleston Lawyers Club, May 2, 2001;
(k) The Use of Psychological Evaluations in Juvenile Proceedings," Panel, Children's Law Center, May 18, 2001;
(l) Judges Panel, 3rd Annual Children's Law Conference, May, 2001;
(m) Hot Tips III, "Appeals and Motions," December 13, 2002;
(n) Women Lawyers in the New Millennium, "Ethics Issues from Various Judicial Perspectives," April 11, 2003;
(o) National Judicial College, Advanced Evidence, Group Discussion Leader, November 15-19, 2004;
(p) SCDTAA Trial Academy Judge, June 20, 2003;
(q) 2004 Local Government Attorneys' Institute, Administered Oath, December 2004;
(r) 9th Annual Probate Court Seminar, Administered Oath, January 2005;
(s) SCBLA, Judicial Selection in South Carolina, Judicial Panel, September 2005;

(t) S.C. Solicitors' Association Conference, Criminal Law Update, "Recent Court Decisions," September 26, 2005;
(u) Charleston School of Law Professionalism Series, "Civility and Ethics," October 20, 2005;
(v) SC Defense Trial Lawyers Ethics and Civility **In Trial unable to make the presentation, November 4, 2005;
(w) Charleston School of Law Ethics & Professionalism presentation, February 15, 2006;
(x) Charleston School of Law, Law Day, Panel Presentation "Judicial Selection in South Carolina," May 1, 2006;
(y) National Judicial College, Handling Capital Cases, Group Discussion Leader, June 10, 2006;
(z) SCBLA, "Civil Practice," September 29, 2006;
(aa) Young Lawyers Division, New Admitees Reception, Presentation, November 16, 2006;
(bb) Young Lawyers Division, "Tips for Young Lawyers in Circuit Court," May 24, 2007;
(cc) "Oath of Office" D. Ashley Pennington Chief Public Defender, January 3, 2008;
(dd) "We Shape the World" Charleston School of Law, Minority Law Day, March 1, 2008;
(ee) Women of Wisdom Expo 2008 "Daring to Embrace New Beginnings "Bible Way
(ff) Church, Columbia, SC, March 8, 2008; National Association for Court Management, Mid-Year Conference, Welcome Address, March 10, 2008;
(gg) Pro-Bono Legal Service Summer Intern Class, In-Court Seminar, June 11, 2008;
(hh) "Governors' School of SC" Summer Class, June 12, 2008;
(ii) Magistrate Seminar , July 29, 2008;
(jj) Annual Judicial Conference, South Carolina Access to Justice Commission, Panelist, August 21, 2008;
(kk) Young Lawyers Association Luncheon, December 9, 2008;
(ll) Charleston School of Law Professionalism Series Lecture(Access to Justice), March 19, 2009;
(mm) Young Lawyers Association Luncheon, December 9, 2008;
(nn) Charleston School of Law Professionalism Series Lecture (Access to Justice), March 19, 2009;

(oo) JCLE "Limitations on Questioning Judges under the Judicial Cannons," July 31, 2009;
(pp) Charleston Lawyer's Club CLE" Advice from the Bench: Likes and Dislikes in Motion Practice, Briefs and Oral Argument," February 24, 2010;
(qq) Stono Park Elementary Career Day, February 26, 2010;
(rr) Junior Girls Day Out Community Project, March 10, 2010;
(ss) Metanoia Freedom School "Read-A-Loud, Chicora Elementary, July 22, 2010;
(tt) Merit Selection Panel for Magistrate Judges, August 17, 2010;
(uu) "League of Women Voters of the Charleston Area" Women of Distinction; August 26, 2010;
(vv) Charleston County School District; Swearing In, November 8, 2010;
(ww) South Carolina Legal Services Statewide Conference, Panelist, November 19, 2010;
(xx) Center for Heirs Property; Celebration, February 10, 2011;
(yy) SEABOTA Annual Conference CLE; Panelist, April 29, 2011;
(zz) S.C. Supreme Court Institute, Panelist, June 20, 2011;
(aaa) Seminar " What Works for Me in Practice" ; "Practical tips from the Bench," July 22, 2011;
(bbb) Charleston County School District; Swearing In, February 27, 2012;
(ccc) Charleston Lion Club Luncheon Speaker, April 24, 2012;
(ddd) "Seminar "What Works for Me in Practice" ; "Practical tips from the Bench," July 20, 2012;
(eee) Berkeley County School District 8th Annual Junior Scholarship Institute, July 10, 2014;
(fff) S.C. Solicitor's Association Fall Conference Panelist Covering "Significant Cases: 2013-2014," September 22, 2014;
(ggg) Shabach Christian Church Fellowship Convocation, "Moving up in your Career," October 29, 2014;
(hhh) Military Magnet Academy Law Enforcement Class, May 6, 2015;
(iii) (Swearing in of Chief Public Defender for the Ninth Judicial Circuit, 2016 Charleston County Bar Association, February 25, 2016;

(jjj) Memminger Elementary 4th grade students, February 25, 2016;
(kkk) Military Magnet Academy Law Enforcement Class, March 22, 2017;
(lll) S.C. Young Lawyers Division Mock Trial of Gold E. Locks and the Three Bears Deer Park Middle School, November 3, 2017;
(mmm) Charleston County Junior Scholars, June 22, 2017;
(nnn) Charleston County Junior Scholars, June 28, 2017;
(ooo) Converse College "Celebrating Courage and Charting the Future: Commemorating 50 years of Black Women at Converse" Panel, February 9, 2018;
(ppp) S.C. Circuit Court Orientation for New Circuit Court Judges Moderator and Instructor, July 11, 2018, July 10, 2019, July 8, 2020, July 6, 2021, July 26, 2022, June 27, 2023; July 16-18, 2024
(qqq) COBRA 2018 Drum Major for Justice Luncheon Honoring Judge Richard E. Fields, February 17, 2018;
(rrr) S.C. Bar Diversity Committee-Virtual Fireside Chat with Richard E. Fields, Women's Lawyers Presentation, March 25, 2021;
(sss) Ninth Judicial Installation of Chief Public Defender, Swearing In, August 1, 2022.
(ttt) Charleston County Bar Association Memorial Video; Richard E. Fields; February 22, 2024
(uuu) 2024 CCJ/COSCA Southern Region Summit, Effective Criminal Case in a Post-Pandemic World: A Leadership Summit for Courts and their communities; Liason; June5-7, 2024

Judge Jefferson reported that she has published the following:

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

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

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

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

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

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

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

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

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

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

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

(a) Law Clerk to the Honorable Richard E. Fields, Ninth Judicial Circuit, Charleston, S.C., August 1989 through August 1990. Primary Responsibilities: legal research, preparation of jury charges, preparation of Orders, scheduling of motions, all tasks required to prepare the

Judge and myself for trials/hearings during the term and all other daily tasks as required by the Judge that ensured the smooth operation of Court.

(b) McFarland and Associates, Attorney, October 1990 through March 1996. Trial practice focusing on the following areas: Domestic Relations, Civil Litigation (all types), Probate Law, Real Estate Law, Business Law and Criminal Law.

(c) Resident Family Court Judge, Ninth Judicial Circuit, Seat 5, elected to serve February 14, 1996 through June 2001.

(d) Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1, elected to serve May 31, 2001 to the present.

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

(a) Resident Family Court Judge, Ninth Judicial Circuit, Seat 5, elected February 14, 1996. April 1, 1996, through June 2001. Elected by the General Assembly. The Family Court is a statutory court of limited and specific jurisdiction. The jurisdiction of the Family Court is set forth in S.C. Code Annotated section 20-7-420, et seq. (i.e. divorce, custody, child support, name changes, juveniles, equitable distribution, adoptions, abuse and neglect, and as further set forth in the statute).

(b) Resident Circuit Court Judge, Ninth Judicial Circuit, Seat 1, June 2001-present. Elected to this position by the General Assembly on May 30, 2001. The Circuit Court is South Carolina's Court of general jurisdiction. It has a civil court, the Court of Common Pleas, and a criminal court, the Court of General Sessions. In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction over appeals from the Probate Court, Magistrate's Court, and Municipal Court.

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

(a) Beachfront Entertainment, Inc., et al. v. Town of Sullivan's Island, 379 SC 602, 666 S.E.2d 921 (2008)

(b) Evening Post Publishing Company, et al. v. City of North Charleston, 357 S.C. 59, 591 S.E.2d 39 (Ct. App. 2003), 363 S.C. 452, 611 S.E.2d 496 (2005);

(c) State v. Washington, 367 S.C. 76, 623 S.E.2d 836 (Ct. App. 2006);

(d) State v. Stephen C. Stanko, 1999-GS-22-0918. 376 S.C. 571,658 S.E.2d 94 (2008);
(e) Donevant vs Town of Surfside Beach, 422 S.C. 264, 811 S.E.2d 744 (2018).

Judge Jefferson report no other employment while serving as a judge.

Judge Jefferson further reported the following regarding unsuccessful candidacies:
Candidate- Family Court of S.C., Ninth Judicial Circuit, Seat to be vacated by the Hon. Robert R. Mallard, January 1995 through March of 1995. I went through the screening process successfully and was found Qualified to hold judicial office. I voluntarily withdrew from the process prior to the election.

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

Candidate- Supreme Court of South Carolina, Seat 4, to be vacated by the Hon. Justice John Henry Waller, Jr. in February 2009. I went through the screening process successfully and was found Qualified and Nominated.

Candidate- Supreme Court of South Carolina, Seat 3 to be vacated by the Hon. John Kittredge in May 2024. I went through screening process successfully and was found Qualified but not nominated.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Jefferson 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: "Highly qualified, very experienced, great judge."

Judge Jefferson is not married. She does not have any children.

Judge Jefferson reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association;
(b) Charleston County Bar Association;
(c) S.C. Association of Circuit Court Judges; Secretary 2010-2012; Vice President 2012-2014; President 2014-2016;
(d) S.C. Women Lawyers Association;
(e) S.C. Black Lawyers;
(f) S.C. Supreme Court Historical Society, Judicial Advisory Board;
(g) American Inns of Court Foundation

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

(a) The Life Center Church, Charleston, S.C. Trustee Ministry, 2001-present; Vision to Victory 2020-present;
(b) Charleston, SC Chapter of the Links, Inc.,1998-present Co-Chair Services to Youth 2000-2001; Corresponding Secretary 2004-2006; Recording Secretary 2006-2007; Chair Bylaws Committee 2006-2007; 2019-2023;2014-present; Vice President 2007- 2009; President 2009-2013;
(c) Delta Sigma Theta Sorority, Inc., 1982-present;
(d) The Post and Courier Feature Article August 6, 2001;
(e) The Post and Courier "High Profile" Article May 7, 2005;
(f) "The Heritage List, 9 Dazzling Women of Spirit and Humility" Celebrate Your Heritage Magazine, Spring 2005;
(g) NAACP Lifetime Achievement Award 2003;
(h) Greater Charleston YWCA Lifetime Achievement Award 2004;
(i) Advisory Board Charleston School of Law 2002-present;
(j) Converse College Board of Trustees; 2002-2010; 2011-2020; Academic Affairs; Legal Affairs Sub-Committee; Enrollment & Marketing Committee; Student Affairs Committee; Investment Sub-Committee; Committee on Trustees;
(k) Founder's Day Speaker Converse College, April 24, 2003;

(l) South Carolina Commission on Alternative Dispute Resolution 2002-2006, User Education Sub-Committee; 2018-present, Program and Technology Committee;

(m) Co-Chair 9th Circuit Courthouse Security Commission August 4, 2006-present;

(n) Associate Acting Justice South Carolina Supreme Court for the terms December 1, 2005 and June 10, 2004;

(o) Associate Acting Judge South Carolina Court of Appeals for the term June 19-13, 2003 during this term I sat En Banc with the Court, authored two (2) opinions and participated on seven (7) other panels/opinions;

(p) Designated as Chief Judge for Administrative Purposes for the 9th Circuit as follows: General Sessions July 1, 2002-January 5, 2003; Common Pleas January 6, 2003-January 3 2004; General Sessions January 4, 2004-July 3, 2004 and Common Pleas January 1, 2006-December 30, 2006;General Sessions, Jan. 1-July 31, 2008, Common Pleas January 1, 2009-December 31, 2009; General Sessions, January 2011-December 30, 2011; and Common Pleas, January 1, 2012-December 30, 2013; General Sessions, January 3, 2016-July 1, 2017; Common Pleas(Charleston) January 1, 2017-June 30, 2018; Chief Judge for Administrative Purposes for the 14th Circuit January 5, 2020-January 2, 2021; Chief Administrative Judge General Sessions 9th Circuit, July 4, 2021-December 31, 2022; December 31, 2023-present;

(q) Assigned exclusive jurisdiction of the following cases by the Supreme Court: April 29, 2003 (2003-GS-47-000004) Statewide Grand Jury, State v. Bunker, et al.; December 2, 2003 (2001-CP-18-0074A) Boyd v. Nationwide; June 28, 2004 (2003-GS-38-02411-02413), State v. Levi Bing, Jr.; October 3, 2004 (2002-CP-15-00471 and 00494) Carter v. Steedley, et. al.; May 6, 2005 (2005-GS-22-00918) State v. Stephen C. Stanko; October 3, 2005 (1996-GS-32-30341) State v. Jeffrey L. Jones; March 7, 2006 (2004-CP-18-01951) Price v. Jones Ford, Inc.; October 5, 2007 State v. Broughton; (2006-GS-08-02164,02165,02182, 021830,2184 & 02185); September 20, 2010 (2004-CP-37-00834) Rhoades, et al.v. Kenyon, et al.; April 23, 2014, State vs Timothy D.

Rogers (1993-GS-18-00101) (1993-GS-18-00101), Resentencing; May 20, 2016 (2016-GS-47-00002 and 2016-GS-47-00003) Statewide Grand Jury Case, State vs Emory Roberts, Justin Gordon Hunter, William Orlando Brown, Rosemary Quezada and Lassain Dixon Johnson; May 31, 2017 (1993-GS-10-00090,00091,00092) State vs Corey L. Sparkman; December 27, 2017 (2017-GS-47-00031 and 2017-GS-47-00050) Statewide Grand Jury Case, State vs Brantley D. Thomas, III (2018-GS-47-00031;2018-GS-47-00051;2018-GS-47-00027;2018-GS-47-00053;2018-GS-47-00054); March 1, 2024 1992-GS-10-01680 State vs Mark Hamilton;

(r) Nominated for the inaugural class of the Lowcountry Diversity Leadership Academy developed by the American Institute for Managing Diversity and the Richard W. Riley Institute of Government, Politics and Public Leadership at Furman (had to decline due to the demands of the Court schedule), September 6, 2005;

(s) Nominated for the Lowcountry Diversity Leadership Academy (had to decline due to the demands of the Court Schedule), September 21, 2006;

(t) Invited by the National Judicial College to be a group discussion leader for the General Jurisdiction Course (had to decline due to the demands of the Court schedule, however, I have been asked to participate when the schedule will allow my participation), July 2006;

(u) Supreme Court Access to Justice Commission 2007-2016;

(v) S.C. Liberty Fellow-Class of 2009. 2007-present;

(w) Federal Court, Merit Selection Panel for Magistrate Judges, August 17, 2010;

(x) League of Women Voters of the Charleston Area Women of Distinction Award- August 26, 2010;

(y) Designated by Chief Justice Toal as state liaison to the National Consortium on Racial and Ethnic Fairness in the Courts, NCSC, 2003-present; Advisory Board 2013-2014; Board of Directors 2014-Present; Nominating Committee February 8, 2016-present;

(z) Supreme Court Docket Management Task Force, Common Pleas Reform Subcommittee, Rule 40/Status Conference Subcommittee, February 17, 2011-present;

(aa) Appointed to the Supreme Court to the General Sessions Docket Committee (Langford Committee), January 7, 2014-present;

(bb) Circuit Court Judges Advisory Committee, June 24, 2014-present; Chairperson 2019-present; Moderator and Presenter New Judges Orientation School 2018-present;

(cc) Converse College "Celebrating Courage and Charting the Future: Commemorating 50 years of Black Women at Converse," Panel, February 9, 2018;

(dd) S.C. Circuit Court Judges Association; Secretary, August 17, 2010-2012; Vice President, August 17, 2012-August 2014; President, August 2014-2016;

(ee) Access to Justice, Language Access Task Force of the South Carolina Access to Justice Commission, March 16, 2016;

Judge Jefferson further reported:

I served as law clerk to the Hon. Richard E. Fields of the Circuit Courts of South Carolina. During my time with him I had the unique opportunity to observe and participate in dozens of trials and hearings and observe a "master jurist." He taught me the importance of "people skills." I learned the role of judge is central to the lawyers and the litigant's perception that the system afforded them a fair trial/hearing. In addition, my legal research and writing skills were refined during this process. These skills were further refined during my time on the bench. I count myself fortunate to have found my vocation in life and attempt to walk worthy of that vocation. It is a rare privilege to have been allowed to serve the citizens of South Carolina as a Family Court Judge and Circuit Court Judge for the past twenty-eight (28) years. The last twenty-eight (28) years have been enjoyable, rewarding and intellectually challenging. I have learned much about the law and human nature. I was taught that the position of a judge should be a continual growth process. I believe that I have continuously grown in my judicial perspective. I still have the same enjoyment for my work as the day I began twenty-eight (28) years ago. The Circuit Court has one of the largest caseloads within the judicial system with over approximately four thousand (4000) filings per judge. I believe that I have been a productive member of the Court. My potential

election to the Supreme Court will create the opportunity for continued intellectual growth while allowing my continued contribution to the court system and the welfare of this state.

(11) Commission Members' Comments:
Two affidavits were filed against Judge Jefferson by Rev. Msgr. Edward Lofton and William McGuire. Both complainants offered oral and written testimony. The Commission thoroughly reviewed the affidavits, and any accompanying documents provided from the complainant, as well as oral testimony from Judge Jefferson. After careful consideration of the testimonies, complaints, response, and accompanying documents, the Commission does not find a failing on the part of Judge Jefferson in the nine evaluative criteria.

The Commission commended Judge Jefferson for seeking to decrease the backlog in bond hearings. The members encouraged her to remain diligent in her work and in her efforts to maintain courtesy and respect in the courtroom.

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

Bryan A. Alfaro
Circuit Court, Ninth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Alfaro was born in 1972. He is 52 years old and a resident of Charleston, South Carolina. Mr. Alfaro provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

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

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

Mr. Alfaro 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. Alfaro 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. Alfaro to be intelligent and knowledgeable.

Mr. Alfaro reported that he has taught the following law-related courses: I served as an instructor at the SC Prosecution Commission's Bootcamp Program on multiple occasions (2014, 2015, 2016, 2018, and 2022). This program is designed for Assistant Solicitors with less than two years of prosecutorial experience. The program involves classroom lectures and presentations on a variety of topics, along with practical performances by the students of opening statements, direct examinations, cross examinations, and closing arguments. These performances are then critiqued by the instructors.

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

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

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

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

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

Mr. Alfaro reported that he has never held public office**.**

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

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

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

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

(a) Ninth Judicial Circuit Solicitor's Office
    a. Assistant Solicitor, Charleston County Family Court, February 2004 – February 2005
        i. Prosecuted juvenile offenders for variety of criminal offenses ranging from status offenses to violent offenses. Represented the State in hearings and bench trials in Family Court.
    b. Assistant Solicitor, Charleston County General Sessions, February 2005 – September 2007
        i. Prosecuted General Sessions offenses, including but not limited to drug offenses, person crimes, property crimes, white collar crimes, and violent crimes. Represented the State in plea hearings, bond hearings, motion hearings, and jury trials.

c. Deputy Solicitor, Berkeley County Solicitor's Office, September 2007 – April 2021
    i. Managed day to day operations of Berkeley Solicitor's Office. Directly supervised office personnel, including General Sessions and Family Court attorneys and support staff. Administrative responsibilities included personnel decisions, such as hiring and employee discipline. Responsible for preparing and managing annual office budgets and expenditures from County Operating Budget, State Funds, and spending accounts. Responsible for compiling and managing trial dockets, plea dockets, and other hearings dockets. Responsible for managing caseload consisting of primarily Murders, Armed Robberies, Trafficking, and other violent and serious offenses. Represented the State in jury trials and other in court hearings. Direct point of contact with Clerk of Court, judiciary, and local law enforcement.
d. Chief Deputy Solicitor, Charleston and Berkeley Counties, April 2021 – February 2023
    i. Managed day to day operations of Ninth Circuit Solicitor's Office. Supervised office personnel, including General Sessions and Family Court attorneys and support staff. Administrative responsibilities included managing personnel issues, assisting with preparing and managing annual office budgets and expenditures. Responsible for compiling and managing trial dockets. Responsible for managing caseload consisting of primarily Murders, Armed Robberies,

Trafficking, and other violent and serious offenses. Represented the State in jury trials and other in-court hearings. Direct point of contact with Clerk of Court.

e. Part-time City Prosecutor, City of Hanahan, February 2023 – Current
    i. Prosecutes municipal level criminal offenses for City of Hanahan. Primarily DUIs, Domestic Violence 3rd, Shoplifting and other Municipal Court offenses for the City of Hanahan on a part-time basis.
f. Owner and Operating Attorney, Alfaro Law Firm, LLC, February 2023 – Current
    i. Solo law practitioner, with primary focus on criminal defense in Circuit Court, Magistrate Court, and Municipal Court across the state. In addition to criminal defense, practice has handled personal injury cases, school administrative hearings, and probate work involving durable powers of attorney and health care powers of attorney. Solely responsible for managing the firm's budget and expenditures, along with the firm's operating account and IOLTA trust account.

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

I have practiced criminal law since 2004, when I began my career with the Ninth Judicial Circuit Solicitor's Office. I was initially assigned to the Family Court division where I prosecuted juvenile offenders for firearms offenses, assaults, drug cases, and status offenses. I conducted court hearings and bench trials. From 2005-2007, I was an Assistant Solicitor in Charleston's General Sessions division, where I conducted jury trials, plea hearings, bond hearings, and motion hearings. I was promoted to Deputy Solicitor for Berkeley County in 2007, where I prosecuted a caseload consisting of various criminal charges, including

murders, armed robberies, sexual assaults, felony dui, drug offenses, property crimes, and white-collar crimes. I conducted jury trials, plea hearings, bond hearings, and motion hearings. I was also responsible for compiling and managing General Sessions plea dockets and trial dockets. In 2021, I was promoted to Chief Deputy Solicitor for the circuit. I prosecuted criminal charges including but not limited to murders, arsons, robberies, felony dui, and other violent and/or serious offenses. I also was responsible for managing priority trial dockets. In 2023, I left the Solicitor's Office to begin solo law practice. In private practice, I have represented criminal defendants in General Sessions Court, Summary Court, Family Court, and Administrative Law hearings. I have also been a part time prosecutor for the City of Hanahan since 2023, where I prosecute criminal defendants in Municipal Court.

In the past five years alone, I would conservatively estimate I have appeared in General Sessions Court as a prosecutor or defense attorney on hundreds of occasions for plea hearings, bond hearings, roll call appearances, and multiple jury trials.

Since entering private practice in 2023, in addition to my heavy criminal caseload, I have also handled three civil personal injury cases as a plaintiff's attorney. In one case a lawsuit has been filed that is currently pending in Charleston County Common Pleas Court. In the other two cases, we are still seeking a settlement that makes my clients whole without having to file a suit. In addition to these cases, I have also had multiple opportunities to consult with potential personal injury clients in contemplation of being retained. In each of those instances I researched the relevant law and issues and sought guidance from other attorneys with more civil experience. I have also participated in depositions and mediation on other civil cases.

While my civil practice experience does lack in comparison to my expansive criminal law experience, I believe the skills, reputation, and attributes I have developed during twenty plus years of handling General Sessions jury trials, bench trials, capital trials, plea hearings, motions hearings, bond hearings, and other courtroom matters, as well as my experience in docket management and case analysis, have more than prepared me to effectively preside over both Commons Pleas and General Sessions Court. While I am aware that I will have to continue to develop my level of knowledge regarding law and procedure specific to Common Pleas matters, I know I have the necessary work ethic to quickly develop in this area. Further, I believe that all candidates, regardless of their primary areas of experience, should be expected to continue to learn and develop knowledge in all areas, so I do not think

this makes me less qualified or prepared to serve as a Circuit Court judge than a candidate with more civil experience than me. In addition, I already possess the necessary judicial temperament, demeanor, ethical fitness, professionalism, and willingness to work that is needed to excel on the bench.

Mr. Alfaro reported the frequency of his court appearances during the past five years as follows:
(a) Federal: N/A
(b) State: During the past five years, while serving as Deputy Solicitor for the Berkeley County Solicitor's Office, General Sessions Court was usually scheduled for an average of two weeks per month. When Court was in session, I appeared in court daily to conduct plea hearings, bond hearings, motion hearings, or trials. In addition, I attended court to manage the docket by setting the order of cases to be called by Assistant Solicitors in my office, and to work directly with judicial and Clerk of Court staff to ensure the dockets ran smoothly. While serving as Chief Deputy Solicitor for the Ninth Judicial Circuit Solicitor's Office, General Sessions Court was usually scheduled in multiple courtrooms for two or three weeks in a row. I would estimate I averaged a few appearances in court each month to conduct plea hearings, bond hearings, and motion hearings for my assigned cases. In addition, I had multiple cases called for trial during this period. As part-time prosecutor for the City of Hanahan since February 2023, I appear in Municipal Court once a week to conduct plea hearings or place other dispositions on the record. As a solo practitioner since February 2023, I appear in General Sessions, Magistrate, and Municipal Courts across the state on a weekly basis as a criminal defense attorney, often multiple times per week in multiple jurisdictions. I have also appeared in Administrative Law hearings on multiple occasions during this time frame.

Mr. Alfaro reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 2%
(b) Criminal: 96%
(c) Domestic: 0%
(d) Other: 2%

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

(a) Percentage of practice, including cases that settled prior to trial: 95
(b) Number of cases that went to trial and resulted in a verdict: 3
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0
(d) (d) Number of cases settled after jury selection but prior to opening statements: 1

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

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

(a) State of South Carolina vs Michael Slager, 412 S.C. 127, 771 S.E.2d 636 (2015)

I participated as a prosecutor in this extremely high-profile General Sessions jury trial of a North Charleston Police Officer who was charged with Murder for shooting an unarmed black motorist in the back multiple times as he was running away. This case received national media attention and trial coverage. In addition, it had a significant impact on the local community given the dynamics of race and police misconduct involved.

(b) State of South Carolina v Colin Broughton

This was a General Sessions capital trial I prosecuted in Berkeley County involving a Defendant who murdered and sexually assaulted his aunt and murdered his cousin. He then attempted to burn down the residence where the murders occurred to cover up evidence of his crimes. Given that it was a capital case, the pre-trial hearings and actual trial of the case were very complex. In addition, given the familial relationship of defendant and victims, the case was extremely emotionally charged.

(c) State of South Carolina v Aaron Capers

This was a General Sessions trial I prosecuted in Berkeley County involving an elderly female victim who was physically and sexually assaulted during a home invasion. This case is significant to me, not only because of the horrendous facts of the case, but because of the inspiring strength and courage of the victim during the pendency of the case and the actual trial. By that point in my career, I had handled thousands of cases, including hundreds of violent crimes, but the facts of this case and the personal history of the victim in this case were so

powerful that it reminded me of the stakes involved for everyone that is a victim, defendant, or witness in our system. While judges and attorneys may become numb to the daily grind of the system, for others their individual case may be the most significant thing to ever happen to them or a loved one. As such, I believe we must treat each case with the respect and attention it deserves for the benefit of all involved and the system.

(d) State of South Carolina v Expunged

This was a General Sessions case I handled as a defense attorney. My client was a young man in the military, with no criminal record, and enrolled in a high-level military training program when he was accused of sexual assault. After my investigation of the evidence and allegations, it was shown that the accusations were false and as a result I was able to meet with the prosecutor and she agreed that the charges should be dismissed. By helping him with this case, the charges were dismissed and expunged and the young man was able to return to full duty and return to the training program. This case is significant in that this young man's entire life could have been ruined if these allegations were not found to be false. As a result, he was able to have his name cleared and return to his career.

(e) State of South Carolina v Jerald Howard

This was a General Sessions trial I prosecuted involving a defendant who murdered his girlfriend in Spartanburg County. The victim's body was recovered in Berkeley County; therefore, we conducted the trial in Berkeley. The trial itself was extremely complex and difficult. The amount of time that passed between the victim being reported missing and the recovery of her body, along with the attempts made by defendant to contaminate the crime scene, severely limited the ability of law enforcement and the medical examiner to conduct their investigations. Despite these obstacles, we were able to obtain the conviction after a difficult trial.

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

(9) Judicial Temperament:

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Alfaro to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, criminal experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and civil experience. The Committee noted: "Level headed, objective judicial temperament, hard worker, quick study, short on civil experience, solid person, good judgment."

Mr. Alfaro is not married. He does not have any children.

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

(a) South Carolina Bar Association
(b) Charleston County Bar Association
(c) Berkeley County Bar Association

Mr. Alfaro provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Etiwan Lodge #95, Mount Pleasant, SC, no offices held

Mr. Alfaro further reported:
Both of my grandfathers immigrated to America from the Philippines in the early 1900s, each served in the military and became US citizens. Despite coming to America without much to their names, they were each able to build a life for themselves and raise families in Berkeley County. My dad served twenty-six years in the Air Force, and an additional twenty-six years in the civil service, retiring from both. My mom worked as an RN for over 30 years, a substantial portion of that time as a single mom after they divorced. I learned early in life the value of public service, sacrifice, and the benefit of working hard.
My first job after college was serving as a police officer for the Town of Mount Pleasant. There I learned to process information and make decisions while under stress. I also learned the value of exhibiting a command presence, which is a concept similar to what is referred to as judicial temperament when discussing judges. This leadership trait requires one to be consistent in their conduct and maintain their composure and calm demeanor, regardless of what is going on around them. In law enforcement, this is necessary to deescalate situations and perform your duties in an effective way. A judge is the leader of the

courtroom. If the judge is dismissive, arrogant, or quick to anger, the attorneys that appear before them, as well as the courthouse staff and the public, can lose faith in the fairness and integrity of the system and the judiciary. It is important that those appearing in court feel they are treated respectfully, while being given the opportunity to be heard and considered. The necessity of maintaining an appropriate judicial temperament is essential to the successful administration of justice.

While working for the Ninth Circuit Solicitor's Office, I was promoted to Deputy Solicitor and Chief Deputy Solicitor. In both of those management roles I continued to attempt to lead by example and teach new attorneys the correct way to handle their work responsibilities. I always strive to be the most prepared person in any courtroom I enter, and I sought to inspire that same level of preparation and professionalism in the other attorneys and staff in the office.

As a judge I intend to continue to put in as much work as necessary to prepare for court and to fulfill my duties in an efficient and professional manner. I also recognize how important it is for a judge to be respectful of others' time and schedule by being punctual and making every attempt to handle every case docketed before them each court session.

(11) Commission Members' Comments:

The Commission members commented that Mr. Alfaro has exemplary letters of recommendations from all different sides of the Bar. They noted that while he has mostly prosecutorial experience, his letters of recommendation from defense attorneys shows that he was a fair and impartial solicitor and would be a fair and balanced Circuit Court judge. In closing, the Commission members noted that they believe Mr. Alfaro has a great judicial temperament and would be an asset to the bench.

(12) Conclusion:

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

Thomas J. Rode
Circuit Court, Ninth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Rode was born in 1983. He is 41 years old and a resident of Charleston, South Carolina. Mr. Rode 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 2008.

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

Mr. Rode 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. Rode reported that he has made $141.79 in campaign expenditures for palm cards/stationary and postage.

Mr. Rode 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. Rode 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. Rode to be intelligent and knowledgeable.

Mr. Rode reported that he has taught the following law-related courses:
(a) I taught legal research and writing to first year law students at the Charleston School of Law from 2013 through 2017. This course involved lectures, two or three times per week on topics related to general legal issues and standards of review, formulating arguments, researching legal issues, and composing various legal documents, motions, and appellate

briefs. It also included preparing for and delivering oral argument. Dealing with a crowded class of students, all with varying degrees of experience and legal knowledge, was good preparation for dealing with difficult personalities, explaining concepts simply, delivering prompt feedback, and ensuring continued progress toward keeping to a longer-term schedule. These are skills that will translate well in serving as a Circuit Court judge

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

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

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

The Commission also noted that Mr. Rode 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. Rode reported that his rating by a legal rating organization as follows: for Super Lawyers, Rising Star; for Best Lawyers, Appellate Practice; and for Lawyers of Distinction, Appellate Practice.

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

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

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

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

(8) Experience:
Mr. Rode was admitted to the South Carolina Bar in 2008.

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

(a) 2008-2011: Law Clerk to the Honorable Paula Thomas, South Carolina Court of Appeals.

My primary role as an appellate law clerk was to review and analyze the merits of appeals assigned to Judge Thomas. I made recommendations for disposition, first to Judge Thomas and then later to the other appellate judges reviewing the case. It was my responsibility to research and articulate a comprehensive explanation of the legal basis for those recommendations. This required me to conduct thorough review of the evidence in the record and orders issued by the trial court, prepare for and attend oral arguments, and develop an in-depth understanding of the legal rules implicated. It was also my responsibility to critically analyze the recommendations Judge Thomas received from the other appellate judges on the panel. I also employed a similar analytical process for the many appeals that were initially evaluated by the Staff Attorney's Office of the Court of Appeals.

Once the judges finalized their decision(s) on a particular matter, I was responsible for preparing drafts of the opinions or dissents that would be authored by Judge Thomas for publication. I drafted these opinions in collaboration with Judge Thomas and pursuant to her directives on the proper legal reasoning and outcome.

Finally, to the extent the Court received any petition for rehearing or petition for rehearing en banc, it was my duty to conduct the same type of evaluation and analysis described above. As a result, the number of appeals I handled and the variety of legal issues that I tackled during my three-year clerkship for Judge Thomas was in the hundreds.

(b) 2011-2013: Associate Attorney at Savage and Savage P.A.

The general nature of my practice included criminal defense and personal injury in both State and Federal courts, as well as in various municipal, magistrate, and administrative courts throughout the Charleston area. In this role I made regular and frequent appearances in both State and Federal courts. I tried multiple criminal cases with Andy Savage, a well-seasoned and respected criminal defense attorney and I learned a great deal in the process. I was not involved with the administration or financial management of this firm or management of its trust accounts.

(c) 2013: Associate Attorney at Babb Law Firm.

The general nature of my practice included criminal defense and personal injury. I was only in this position for a very brief period, and I

was not involved with the administration or financial management of this firm or management of this firm's trust accounts.

(d) 2013 – 2014: Sole Practitioner at The Rode Law Firm.

In this role, I operated as a general practitioner and the majority of my practice consisted of criminal defense and personal injury. As a sole practitioner, I managed all aspects of administration and financial matters of the firm including the trust account.

(e) 2014 – Present: Attorney/Partner at Thurmond Kirchner & Timbes, P.A.

I focus primarily on civil litigation and appellate work. My civil practice is generally described as business litigation, a lot of which is related to the construction and development industries. This includes contract disputes, mechanic's liens and construction defects. However, my practice areas are broad and I have litigated real property disputes, condemnation actions, insurance coverage disputes, homeowner association matters, unfair trade practices, and land use issues. I have also handled a variety of tort matters including bad faith actions, employment claims, and malpractice matters. I routinely represent both plaintiffs and defendants, and my practice has also included insurance defense.

My appellate practice is equally diverse. Since 2015, I have worked on roughly twenty (20) appeals to the Supreme Court of South Carolina, the South Carolina Court of Appeals, and the U.S. Court of Appeals for the Fourth Circuit. The types of appeals I have handled vary widely, and I have represented appellants, respondents, and amici curia parties. In addition to a variety of different civil matters, I have handled appeals from the Court of General Sessions, Family Court, Probate Court, and the Master-in-Equity. I have also handled appeals involving questions related to Worker's Compensation issues. This is in addition to the innumerable appellate issues I worked on as a law clerk at the South Carolina Court of Appeals.

In my current role, I am not heavily involved with the day-to-day administrative or financial management of the firm. While I am informed of these matters, my active role is typically limited to those things in which my involvement is necessary. Similarly, I monitor, review, and approve trust account transactions related to my specific clients, but I am not actively involved in the day-to-day management of the firm's IOLTA account(s) for clients whose matters I am not handling.

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

Criminal Matters:

In the past five years, I have not handled any criminal matters in Circuit Court. However, I have successfully appealed a criminal matter to the Supreme Court of South Carolina in State v. Cain, 419 S.C. 24, 795 S.E.2d 846 (2017). This case concerned the admissibility of expert scientific testimony on the issues of theoretical or hypothetical quantities in drug related prosecutions. Although my practice does not currently include criminal defense, my experience as an appellate law clerk provided me with extensive experience in addressing and analyzing a huge number of criminal appeals. These included a wide array of issues from evidentiary disputes to substantive questions regarding South Carolina's Criminal Code, to sentencing, and everything in between.

My experience in criminal law is not limited only to my work as an appellate law clerk. During my first several years in private practice, between 2011 and 2014, a large majority of my practice included criminal defense in both state and federal court. During this time, I tried multiple criminal cases. Moreover, while in law school I not only received the CALI Award (highest grade) in Criminal Procedure, but I also worked as an intern for both a state and federal prosecutor. I worked as a summer intern in the District Attorney's Office (the equivalent of a circuit solicitor) in my hometown of Wilmington, North Carolina. During the school year, I worked as a legal extern in the United States Attorney's Office in Charleston. Combined, my experience has provided me with a substantive understanding of criminal law as well as a keen insight into the practical realities facing the participants in the criminal justice system. Not only do I have a solid understanding of the direct and collateral effects the criminal justice system has on the people charged and their families, I have also acquired a unique awareness of the burdens that the criminal justice system can place on prosecutors, defense attorneys, the court's administrative resources, and (most importantly) the people who are victims of crime.

Civil Matters:

During the past five years I have handled a variety of civil matters in Circuit Court for both plaintiffs and defendants. A fair amount of my litigation practice is business related and specifically pertains to businesses in the construction industry. I have represented both builders and homeowners in contract disputes, mechanic's liens, and construction defect claims. I have represented a variety of clients—from individuals and small business owners all the way up to large corporations. My practice also includes real property litigation, including ownership

disputes, heirs property matters, and zoning/land use disputes. I have represented property owners as well as local municipalities/governmental entities.

I have also had the opportunity to handle cases in a variety of other practice areas. These have included maritime cases, electronic eavesdropping and wiretapping issues, insurance coverage and bad faith matters, professional malpractice claims, class action suits, claims for unfair trade practices, Section 1983 civil rights actions, defamation, products liability, and employment matters—among others. I have represented both plaintiffs and defendants, as well as defended clients on behalf of insurance companies. This varied practice, together with my appellate experience, makes me uniquely well qualified to serve as a Circuit Court judge.

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

(a) Federal: During the past five years, I have handled twelve (12) matters in U.S. District Court and one (1) appeal before the U.S. Court of Appeals for the Fourth Circuit. Thus, my actual appearances in federal court over the past five years have been relatively infrequent, particularly during and since the pandemic;

(b) State: During the past five years, I have handled roughly sixty (60) separate matters in Circuit Court, and roughly twenty-three (23) matters before the Supreme Court of South Carolina and/or the South Carolina Court of Appeals. I make regular court appearances that average approximately once per month. My court appearances were more frequent prior to the pandemic.

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

(a) Civil: 100%;

(b) Criminal: 0% (I handled one criminal appeal in 2017 and have handled many criminal matters in my career— just not in the past five years.);

(c) Domestic: 0% (I handled one Family Court appeal in 2021);

(d) Other: n/a

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

(a) Percentage of practice, including cases that settled prior to trial: During the past five years, roughly 70% of the cases I handled were pending in either state or federal trial court. Roughly 5-10% of my practice involved matters that would otherwise have been in trial court but were either resolved pre-suit or were resolved through alternative dispute resolution. The balance of my practice (roughly 20-25%) involved matters on appeal.
(b) Number of cases that went to trial and resulted in a verdict: I have tried one case to verdict in the past five years.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: I have not had any cases meeting this unique description in the last five years.
(d) Number of cases settled after jury selection but prior to opening statements: In the past five years, I have not had any cases that settled between jury selection and openings, but I had one case that settled hours before jury selection).

Mr. Rode provided that during the past five years he most often served as chief counsel and/or co-counsel with one or more attorneys in his firm.

The following is Mr. Rode's account of his five most significant litigated matters:
(a) In re Mt. Hawley Ins. Co., 427 S.C. 159, 161, 829 S.E.2d 707, 709 (2019).
This matter came before the Supreme Court of South Carolina on a certified question from the U.S. Court of Appeals for the Fourth Circuit. The question was significant because it involved a matter of first impression in South Carolina concerning attorney-client privilege in the context of an insurance bad faith action—a scenario that places the policy considerations of attorney-client privilege in conflict. Specifically, the case dealt with what is known as the "at issue" exception to attorney-client privilege. This case sought to resolve the extent to which a party could rely on the substance of attorney-client communication, either explicitly or implicitly, before the attorney-client privilege would be considered waived. The arguments, as well as the Supreme Court's analysis, explored the extent to which the laws and public policy of this State embrace the various interpretations of this rule that had been observed around the country. Ultimately the Supreme Court developed its own analytical framework to evaluate this issue that is instructive in bad faith matters.
(b) State v. Cain, 419 S.C. 24, 795 S.E.2d 846 (2017).

In this criminal appeal, the Supreme Court of South Carolina confronted the novel question of whether a defendant could be convicted of possession with the intent to distribute drugs where the only evidence offered to satisfy the quantity element of the crime was expert testimony about "theoretical yield." The evidence offered was an expert's opinion as to the theoretical quantity of drugs or contraband the defendant might have been able to manufacture, possess, or distribute. The Court ultimately rejected the use of "theoretical yield" evidence in the manner it was used in this case. Not only did this case involve a matter of first impression, but it was also legally significant because it demonstrated how evidentiary rules—particularly those concerning expert testimony—overlap with the substantive requirements of the criminal code. The matter was also significant because it implicated unique questions of issue preservation that arose post-trial. These preservation issues—while seemingly mundane—are exceptionally important to appellate procedure and appellate practitioners.

(c) (Cavanaugh v. Cavanaugh: 2017-CP-10-03376.

This matter dealt with civil claims and private rights of action brought for alleged electronic wiretapping and eavesdropping under both South Carolina and federal law. This case presented several technical and seemingly novel issues that had not previously been litigated in our state courts. As a result, the case presented an exciting and stimulating academic challenge to research and develop the necessary legal arguments on behalf of my client. Over years of contentious litigation, the case was a great opportunity to hone the skills necessary to synthesize and present hyper-technical arguments to the Circuit Court. While the case likely would have presented several novel issues for our appellate courts, the matter settled before trial.

(d) Brown v. VSHZ; Traxxas, LP & Amazon.com Inc., 4:15-4684-BHH

This case dealt with an alleged product defect and failure to warn, stemming from the explosion of a lithium-ion battery. Although this is a well-known risk with these batteries now, it was less widely known at the time. While the subject matter was interesting and presented intriguing legal issues concerning the extent to which liability flows to attenuated sellers in the stream of commerce, this case was significant to me for a different reason. I represented one of many large corporate defendants and it presented one of the first and most notable matters in which I was able to observe how the relationships and interactions between corporate in-house counsel, litigation counsel, and local counsel can converge to have a significant impact on the volume and type of

issues, motions, and arguments that come before the Circuit Court. In learning to marshal these competing interests I developed an ability to efficiently cut through the complicated and voluminous legal theories and proposed strategies to get to the heart of the issues that are relevant under South Carolina law and local practice.

I strongly believe that all parties are entitled to their day in court and the opportunity to have their grievances resolved as efficiently as possible. A Circuit Court judge set to tackle a lengthy motions roster may be presented with one motion on a complicated $10 million dollar dispute, and another case that is a simple and small-value dispute. Both cases are deserving of the Court's time and attention, but a Circuit Court judge must be able to strike a balance that ensures a singular matter does not syphon away all the Court's time. This necessarily requires a Circuit Court judge be able to effectively synthesize complicated matters to the more manageable core issues, but also requires the ability to appreciate how one case could negatively impact another. While no silver bullet exists, having the ability to predict and appreciate how some cases might be made overly complicated is an important tool that could help me strike this balance. That is the reason I include this case among the significant cases I have handled.

(e) Hollinshead v. Medical University of South Carolina; 2:19-cv-2517-RMG-BM

This case is significant primarily for personal reasons. Many lawyers have "that one case" that sticks with them as the years go on. This is that case for me. It was the perfect combination of a deserving client who suffered a terrible event and a result that actually set the wrong right and felt like true justice. This was a wrongful termination matter in which the plaintiff, an African American, alleged that shortly after receiving a promotion, her new boss, who was white, initiated an escalating course of sexual and racial harassment. The plaintiff claimed she reported the conduct to Human Resources—which investigated and confirmed the claims to be true—but instead of taking any steps to address the matter, the plaintiff was summarily terminated. Ultimately, with my help, the parties reached a settlement that not only compensated the plaintiff for her losses, but also afforded her the opportunity to return to employment—a very rare occurrence.

This matter is not significant for any prestige or monetary award. Instead, this matter is significant to me because of the justice that was obtained. The plaintiff, who suffered atrocious mistreatment because of her race, was able to reclaim her dignity in a way that money alone could never have done for her. The ability to help facilitate that result gave me a sense

of accomplishment that struck at the very heart of why I became a lawyer. For that reason, this case will remain one of the most significant cases I've handled.

The following is Mr. Rode's account of five civil appeals he has personally handled:
(a) In re Mt. Hawley Ins. Co., 427 S.C. 159, 829 S.E.2d 707 (2019) – Supreme Court of South Carolina.
(b) United Servs. Auto. Ass'n v. Pickens, 434 S.C. 60, 862 S.E.2d 442 (2021) – Supreme Court of South Carolina.
(c) Mims v. USAA Cas. Ins. Co., No. 21-1654, 2023 U.S. App. LEXIS 6727, (4th Cir. Mar. 21, 2023) – U.S. Court of Appeals for the Fourth Circuit.
(d) Simmons v. Simmons, No. 2024-UP-194, 2024 S.C. App. Unpub. LEXIS 204 (Ct. App. May 29, 2024).
(e) Lorenzo v. Port City Elevators, Inc., et. al, No. 2024-UP-111, 2024 S.C. App. Unpub. LEXIS 105 (Ct. App. Mar. 27, 2024).

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

(a) State v. Cain, 419 S.C. 24, 26, 795 S.E.2d 846, 847 (2017) – Supreme Court of South Carolina.
(b) This list does not include the numerous criminal appeals I worked on while a law clerk at the South Carolina Court of Appeals.

Mr. Rode further reported the following regarding unsuccessful candidacies:
I ran for Circuit Court—Ninth Circuit, Seat #4—during the 2023/2024 cycle. I was found qualified and nominated by the JMSC. I withdrew prior to the election. The seat is now held by the Hon. Dale VanSlambrook.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Rode 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 "very well qualified, well spoken, committed trial and appellate experience, intellectual, diplomatic."

Mr. Rode is married to Julie L. Moore. He has two children.

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

(a) South Carolina Bar Association
(b) Charleston County Bar Association

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

(a) Old Windermere Neighborhood Association – Board Member.
(b) South Carolina Bar Association, Young Lawyers Division Committee Chair, Star of the Quarter.
(c) South Carolina Bar Foundation – Ambassador Board Member.

Mr. Rode further reported:
In candor, I went to law school without a full understanding of what it truly meant to be a lawyer. However, through some great fortune, I discovered the law is something I am passionate about and my passion made me good at it. I became a dedicated student of the law and was constantly curious to understand it better. Through hard work I graduated near the top of my law school class. This gave me the opportunity to become an appellate law clerk which super-charged my ability to study the law and provided me with substantive experience on a wide array of legal issues and cases. No other job could have given me this foundation and appreciation for the law of our state. Through this experience, I learned how to identify and evaluate issues, how to recognize potential pitfalls, and how to avoid problems that could result in unnecessary appeals that delay the resolution of cases for litigants.

As important as the academic experience, my appellate clerkship provided me with the opportunity to work closely with many exceptional judges at the Court of Appeals. No better mentors could possibly exist for a future judge. Of the many and most lasting lessons I learned from these judges was how imperative it is for a judge to approach every case

with an open mind and without assuming you know everything there is to know about the law. At first, I was surprised, but then inspired by the humility of the jurists I worked with. I came to appreciate how necessary this trait is for a judge, who cannot let preconceived ideas or assumptions about the law guide his analysis or impact his ruling. I learned that to serve the law, a judge must remain open to changing his mind when a studied analysis demonstrates his assumptions about the law were wrong. The humility to acknowledge the limitations of your knowledge, the willingness to discover those limitations, and the academic courage to admit you might be wrong, are all indispensable to serving as a judge. This is something I learned firsthand from the very start of my career.

My time in private practice has also informed my knowledge of a judge's role. Having handled all types of matters—criminal, civil, trials, and appeals—I am familiar with the legal and practical issues facing practitioners. I know, firsthand, the passion, stress, hard work, unpaid hours, and soul that trial lawyers (on both sides) put into their work for their clients. A Circuit Court judge sits precisely at the intersection of where the academics of the law meet the practical and administrative realities of a crowded docket. While it always hurts to lose, a judge cannot take the efforts of litigants for granted. A judge must be willing to rule and to do so in a way the law requires and do so efficiently. I believe this requires a judge to strike a very difficult balance that ensures the highest fidelity to the law as well as administrative efficiency. My unique set of experiences have allowed me to develop a keen ability to navigate both of those competing duties. If I were elected Circuit Court judge, I believe I could provide a true benefit to the judiciary and the people of my community.

(11) Commission Members' Comments:
The Commission commented that Mr. Rode has all the credentials required to be an outstanding jurist. They noted that his work ethic, analytical ability, humility, and broad-based experience make him very well-suited to serve as a Circuit Court judge.

(12) Conclusion:
The Commission found Mr. Rode qualified, and nominated him for election to Circuit Court, Ninth Judicial Circuit, Seat 2.

THURSDAY, JANUARY 16, 2025

R. Bruce Wallace
Circuit Court, Ninth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Wallace was born in 1971. He is 54 years old and a resident of Charleston, South Carolina. Mr. Wallace provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

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

Mr. Wallace 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. Wallace reported that he has made $43.89 in campaign expenditures for postage and name tag expenses.

Mr. Wallace 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. Wallace 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. Wallace to be intelligent and knowledgeable.

Mr. Wallace reported the following about teaching law-related courses:
I have taught continuing legal education courses for National Business Institute in the past, but it has been more than 15 years since I last taught a course.

Mr. Wallace reported that he has published the following:

(a) Co-Author, Roadmap to Collection – How to Navigate Debtor Exemptions in South Carolina, approved for publication, S.C. Lawyer, September 2018
(b) Co-Author, Show Me the Money – Collecting Judgments Against the Savvy Judgment Debtor, S.C. Lawyer, September 2016
(c) Author, Serving the Master: Challenging the Authority Power or Jurisdiction of the Master-in-Equity, S.C. Lawyer, January 2015
(d) Contributing Author, Federal Consumer Credit Protection Statutes (DRI 2015)
(e) Co-author, Strategies to Obtain Early Settlement of General Aviation Claims, Skywritings (DRI 2014)
(f) Author, With Friends Like These, Who Needs Enemies? Getting Out of Default is Never Easy, S.C. Lawyer, November 2013
(g) Author, SC Chapter, The Collateral Source Rule: A Compendium of State Law (DRI 2012)
(h) Author, SC Chapter, Professional Liability Insurance: A Compendium of State Law (DRI 2012)
(i) Co-author, Using Non-reliance Clauses in Defense of Fraud Claims, The Business Suit (DRI March 2006).
(j) Regional Editor, Unfair Trade Practices: A Compendium of State Law (DRI 2005).

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

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

The Commission also noted that Mr. Wallace 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. Wallace reported the following regarding his rating by legal rating organizations: Martindale-Hubbell, as AV preeminent; listed in Best Lawyers in America for Commercial litigation (since 2015) and Litigation – Insurance (since 2016), named Lawyer of the Year in Litigation – Insurance, for 2017, 2020, and 2025; listed in SuperLawyers 2008-2009, and 2026-2022.

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

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

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

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

(8) Experience:
Mr. Wallace was admitted to the South Carolina Bar in 1996.

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

(a) 1996-1998. Law Clerk, the Honorable C. Weston Houck, United States District Court. Served as a judicial law clerk, assisting the court with orders, trials, motions, and other administrative tasks.

(b) 1998-2002. Wallace and Wallace (formerly Wallace and Tinkler). I was an associate attorney then a partner in a personal injury law firm. We handled domestic cases, criminal defense cases, personal injury, legal malpractice defense, probate and trust litigation. I was not involved in the financial management of this entity, nor did I manage trust accounts.

(c) 2002-present. Maynard Nexsen PC (formerly Nexsen Pruet, LLC). I am a shareholder in the law firm. I handle matters involving commercial litigation (plaintiff and defense), insurance coverage (mostly defense), legal malpractice defense, probate and trust litigation (plaintiff and defense), and real estate disputes (plaintiff and defense). I have been a signatory on several trust accounts, but have no involvement in the management of the firm.

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

During my 28-year career, I have actively appeared before the Circuit Court in all sixteen judicial circuits at least twenty-four (24) counties in South Carolina. In the past five years, I have appeared before a Circuit Court judge on a regular basis.

(a) I have limited experience in criminal matters in the Circuit Court during the past five years. However, I practiced criminal law from 1998 to approximately 2011 in all courts, including the Circuit Court. I studied criminal procedure and substantive criminal law during those years, and I plan to draw on that experience to preside over criminal matters in Circuit Court. Additionally, I plan to study each case and each matter as they come before me, researching the statutes, case law, and applicable Rules of Criminal Procedure.

(b) I have extensive experience in civil matters before the Circuit Court in the past five years. I have served as lead counsel or sole counsel in all of those matters. I regularly file and argue motions, and I have tried cases in Circuit Court, both bench and jury trials. I represent individuals and companies in a wide variety of commercial litigation claims. I have handled insurance coverage disputes, mostly representing insurance companies, but several times I have represented the insureds. I have handled numerous real estate matters in Circuit Court, involving Homeowner Association rules, boundary disputes, and restrictive covenants. I have defended lawyers in legal malpractice actions. I have handled other general civil matters, including litigation involving financial institutions, where I mostly represent the financial institutions. I have represented landowners in condemnation proceedings, both in the proceedings to fix the award and proceedings to challenge the condemnation. I have handled personal injury matters, both large and small, usually representing defendants.

Mr. Wallace reported the frequency of his court appearances during the past five years as follows:
(a) Federal: 30%;
(b) State: 70%.

Mr. Wallace reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 90%;
(b) Criminal: 0%;
(c) Domestic: 0%;
(d) Other: 10% (probate).

Mr. Wallace reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: About 10% involve appeals.
(b) Number of cases that went to trial and resulted in a verdict: In the last 5 years, three (3) cases went to trial and resulted in a verdict.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None.
(d) Number of cases settled after jury selection but prior to opening statements: None.

Mr. Wallace provided the following regarding his role as counsel during the past five years: I most often served as sole counsel or chief counsel in the past five years.

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

(a) Christina Jones v. Mary P. Miles, Case No. 2022-CP-32-00867 (Eleventh Judicial Circuit). I defended a lawyer in a legal malpractice action. After a jury trial, the jury found the plaintiff to be forty percent (40%) comparatively negligent.
(b) MAC Coastal Properties, Inc. v. Shoestring Retreat, LLC, Case No. 2020-CP-22-0072 (Fifteenth Judicial Circuit). I represented a homeowner in a restrictive covenant enforcement action that involved complex legal principles and significant equitable defenses. The court ruled against my client, and my client appealed the final order. The Court

of Appeals issued an unpublished decision mentioned below.

(c) SM Charleston, LLC v. Daniel Island Riverside Developers, LLC, Case No. 2020-CP-08-00914 (Ninth Judicial Circuit). I represented a developer in a contract dispute with another developer, involving complex contractual issues, development ordinances, and equitable defenses.

(d) City of Folly Beach, et al. v. State, et al., Case No. 2019-CP-10-00717 (Ninth Judicial Circuit). I represented a homeowner in a civil action where the municipality offered a novel legal theory to prevent development of the homeowner's lot. The trial court dismissed the complaint and the municipality appealed the dismissal. The Court of Appeals issued a decision mentioned below.

(e) Brown, et al. v. Richardson, et al., Case no. 2018-CP-26-3173 (Fifteenth Judicial Circuit). I represented several members of the board of directors for a homeowners' association. We obtained partial summary judgment on plaintiffs' main cause of action for declaratory relief. The case is highly contested and involved the complex interplay of recorded homeowner documents, statutes, and case law. Plaintiffs appealed the Order granting summary judgment, and then unilaterally withdrew their appeal.

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

(a) City of Folly Beach, et al. v. State, et al., 2023-UP-284, August 2, 2023 (S.C. Ct. App.)

(b) MAC Coastal Properties, Inc. v. Shoestring Retreat, LLC, 2024-UP-285, July 31, 2024 (S.C. Ct. App.)

(c) Accident, Injury & Rehab., PC v. Azar, 943 F.3d 195 (4th Cir. 2019).

(d) Regions Bank v. Owens, 402 S.C. 642, 741 S.E.2d 51 (Ct. App. 2013).

(e) Charleston Trident Home Builders, Inc. v. Town Council of Town of Summerville, 369 S.C. 498, 632 S.E.2d 864 (2006).

Mr. Wallace reported that has not personally handled any criminal appeals.

Mr. Wallace further reported the following regarding unsuccessful candidacies:
(a) I withdrew from consideration for Circuit Court, At Large Seat No. 9 in 2014.
(b) I was an unsuccessful candidate for a United States Magistrate Judge position in 2015.
(c) I was found qualified but not nominated for Circuit Court, At Large Seat 8 in 2023.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Wallace 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, "Extensive trial experience, compassionate, smart, very good judgment, integrity—impressed by his intense immersion in criminal law over last year."

Mr. Wallace is married to Sally McClary Wallace. He has four children.

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

(a) S.C. Bar Association, 1996 to present
(1) Board of Governors, 2017-2020.
(2) House of Delegates, 2004-2017.
(3) Chair-Elect, Trial and Appellate Advocacy Council, 2016.
(b) Federal Bar Association, SC Chapter, Board of Directors, 2008-2012.
(c) Defense Research Institute (DRI), Program Chair, Professional Liability Committee, 2019.

Mr. Wallace provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Member, St. Andrews Church, Mt. Pleasant.

(b) Secretary and Director, North Charleston Dental Outreach, 2020-present.
(c) Standing Committee, Diocese of the Carolinas, 2019-2022.
(d) Mentor, USC School of Law 1L Professionalism Series, 2020.
(e) Mentor, Supreme Court Lawyer Mentoring Program, 2022-present.
(f) Recipient, Compleat Lawyer, USC School of Law, Gold, 2020.
(g) Legal Elite of the Lowcountry, Charleston Business Magazine Insurance, 2018-2019.
Estate and Trust – Litigation, 2022.

Mr. Wallace further reported:
My grandfather, O. T. Wallace, served as master-in-equity in Charleston County. My father, Robert Wallace, served as the Ninth Circuit Solicitor from 1968 to 1976. I learned from both of these men the value of the rule of law, the integrity of the judicial system, and the effort it takes to maintain both. I hope to serve as a Circuit Court judge consistent with the highest principles embraced and demonstrated by these two men.

(11) Commission Members' Comments:
The Commission members commented that Mr. Wallace has an outstanding reputation as a trial attorney. While he has extensive civil experience, he has followed the advice of the Commission and has been immersing himself in the criminal arena over the last year. They noted his great intellect and demeanor which would ably serve him on the circuit court bench.

(12) Conclusion:
The Commission found Mr. Wallace qualified, and nominated him for election to Circuit Court, Ninth Judicial Circuit, Seat 2.

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

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge McIntosh was born in 1960. He is 64 years old and a resident of Anderson, South Carolina. Judge McIntosh provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1986.

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

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

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

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

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

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

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

(a) I made a presentation on Canine Search and Seizure to the South Carolina Association of Justice at the August 2012 Conference.
(b) I made a presentation on What does a Circuit Court Judge Look for in a Return Field on Appeal? And Ethics to the upstate Summary Court Judges at the annual meeting in May 2012.

(c) I made a presentation on E-Discovery at the NBI Seminar in Columbia, South Carolina January 2015.
(d) I sat as a panel member in the following continuing legal education programs:
    a. Ethics with the Judges- South Carolina Bar Sporting Clays Seminar-Colleton County- (October 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018. Boiling Springs- spring 2017. Edgefield 2023
    b. What Criminal Judges Want You to Know- NBI Seminar, Columbia, South Carolina (February 2012)
    c. Annual Solicitor's Conference: 2015 and 2016
(e) I also served as a judge in Furman's Mock Trial Competition (March 2015, 2017, 2023, 2024)
(f) I spoke to the T.L. Hanna High School Law Class (February 2014, 2015)
(g) I served as a judge in NCFCA Moot Court National Championship Tournament-Anderson University- May 2024

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

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

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

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

(5) Reputation:
Judge McIntosh reported that his last available rating by a legal rating organization was BV.

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

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

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

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

(8) Experience:
Judge McIntosh was admitted to the South Carolina Bar in 1986.

He gave the following account of his legal experience since graduation from law school:
(a) Law Clerk: Honorable Luke N. Brown (1986-1987)
(b) Associate: McIntosh and Sherard (1987-1990)
(c) Partner: McIntosh, Sherard & Sullivan (1990-2009)
(d) Circuit Court, Tenth Judicial Circuit, Seat One (1) (2009 to present)

Judge McIntosh reported that he has held the following judicial office(s): Elected to Circuit Court, Tenth Judicial Circuit Seat1, 2009 and Serving continuously since. Currently running for re-election to same seat. The Circuit Court is a court of general jurisdiction.

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

(a) Smith v. Tiffany, 419 SC 548, 799, SE2nd (2017)
(b) William H. Bell Jr. v. State of South Carolina, Case Number: 2003-CP-04-01859
(c) Encore v. Keone Trask, et, al. Case Number: 2015-CP-23-05757
(d) Stevens Aviation Inc. v. Dyna Corp. International, 407 SC 407, 756 SE2nd 148 (2014)
(e) McMillan Pazdan Smith, LLC v. Donza H. Mattison et, al. (Ct App Op #6079, filed August 7, 2024:

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

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge McIntosh to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had neither related nor summary comments.

Judge McIntosh is married to Anna Louise Gallant McIntosh. He has one step-child.

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

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

Judge McIntosh provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations:

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

(11) Commission Members' Comments:
The Commission noted that Judge McIntosh has ably served as a circuit court judge since 2009. He has a reputation of being a firm, yet fair

judge. The Commission appreciates that Judge McIntosh continues to mentor young lawyers.

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

The Honorable David Shawn Graham
Circuit Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Graham was born in 1967. He is 57 years old and a resident of Lexington, South Carolina. Judge Graham provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

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

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

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

Judge Graham 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 Graham 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 Graham to be intelligent and knowledgeable.

Judge Graham reported that he has taught the following law-related courses:
(a) Author/Instructor - "Survive and Thrive: A Guide To Winning at Trial."Qualifies for 6 hours approved credit by the Criminal Justice Academy.
(b) Invited instructor at the S.C. Criminal Justice Academy – Basic Detective's Class. Taught six (6) times.
(c) "From the Crime Scene to the Courtroom." Co-author of materials and presenter at trainings to law enforcement.
(d) "Investigations: A Prosecutor's Perspective." Co-author of materials and presenter at trainings to law enforcement.
(e) "Responding Officers: A Prosecutor's Perspective." Co-author of materials and presenter at trainings to law enforcement.
(f) Bond Estreatment." Author of material and presenter at CLE sponsored by the South Carolina's Solicitors' Conference.
(g) "Presentation of the State's Case: Questioning Witnesses and Presenting Evidence." Co-author of material and presenter at Prosecution Bootcamp – CLE sponsored by the South Carolina Commission on Prosecution Coordination.
(h) "Pre-Trial Practice" - Co-author of material and presenter at CLE sponsored by the South Carolina Commission on Prosecution Coordination.
(i)"Case Management for Victim Advocates." Co-author of material and presenter for Victim Advocate Training sponsored by the South Carolina Commission on Prosecution Coordination.

Judge Graham reported that he has published the following:
"The State's Case in Chief: Direct Examination." Author of material and published in the Prosecution Bootcamp Manual; provided to new South Carolina Assistant Solicitors by the South Carolina Commission on Prosecution Coordination

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

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

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

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

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

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

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

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

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

(a) Barnwell, Whaley, Patterson & Helms; Associate; Insurance defense practice;

1996 – 1997

(b) Fourteenth Judicial Circuit Solicitor's Office; Assistant Solicitor; General Sessions;

1997-1998

(c) Eleventh Judicial Circuit Solicitor's Office; Assistant Solicitor; General Sessions

1998 -2001

(d) Eleventh Judicial Circuit Solicitor's Office; Senior Assistant Solicitor; General Sessions; mentoring younger attorneys and helping them develop judgment and trial skills.

2001 – 2005

(e) Eleventh Judicial Circuit Solicitor's Office; Deputy Solicitor; General Sessions; mentoring younger attorneys and helping them develop judgment and trial skills; prosecuting the most serious violent crimes and other complex cases; some administrative responsibilities; assist law enforcement as needed; reviewing active SLED Investigations, including officer involved shootings.

2006 – 2022

(f) Graham Law LLC – sole practitioner, focusing primarily on personal injury and guardian and conservator work in Probate court.

2022 – Present.

(g) City of Cayce – Prosecutor (P/T)

2023

(h) Associate Judge for the Town of Lexington (P/T)

2023 – Present.

(i) Assisting Judge Eleventh Circuit Adult Drug Court Program

2023 - Present

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

(a) Criminal – In the past five (5) years, I have been involved in numerous bond hearings, guilty pleas, and motions in General Sessions. During that time, I have tried five (5) jury trials to verdict, including three (3) murders; an involuntary manslaughter; and a Criminal Sexual Conduct 1st, Kidnapping, and Strong Armed Robbery. Over the course of my career, I have tried over seventy (70) jury trials to verdict. Of those, over thirty (30) were murder or manslaughter trials. I have also prosecuted seven (7) death penalty trials. In 2017, I was presented with the Ernest F. Hollings Award for Excellence in State Prosecution (Given to the prosecutor in South Carolina whose performance best exemplifies excellence in the court of General Session). I have over fifteen (15) reported opinions and over twenty-five (25) unpublished opinions.

(b) Civil – Since leaving the Solicitor's office in 2022, my Civil experience has been mainly in a plaintiff's personal injury practice, including auto mobile accidents and slip and fall. I am also serving as gal in a partition action. I previously worked in insurance defense at the beginning of my legal career. I will continue to increase my knowledge and experience by reading the advance sheets, attending appropriate CLEs, and consult with more experienced attorneys.

Judge Graham reported the frequency of his court appearances prior to his service on the bench as follows:
(a) Federal: None;
(b) State: monthly (average).

Judge Graham reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) civil: 15%
(b) criminal: 50%
(c) domestic: 5%
(d) other: 30%

Judge Graham reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%
(b) Number of cases that went to trial and resulted in a verdict: Five (5)
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0.
(d) Number of cases settled after jury selection but prior to opening statements: 0

Judge Graham provided that during the past five years he most often served as chief counsel.

The following is Judge Graham's account of his five most significant litigated matters:
(a) State v. Jones, __ S.E.2d __ Op No 28145 (SC 2023). I was co-counsel at trial. Tim Jones was convicted of murdering his five (5) children and sentenced to death. This was a direct appeal to the South Carolina Supreme Court. The Court affirmed the trial court's rulings on juror qualification, voir dire, and jury instructions. While finding error

by the trial court in certain evidentiary rulings, the Supreme Court ultimately found the errors harmless and affirmed Jones's conviction and death sentence. The case is significant and will be cited as to the admission or exclusion of expert testimony. Additionally, the case will be used to require a closer scrutiny on the admission of autopsy photos

(b) State v, Brockmeyer, 406 S.C. 324, 751 S.E.2d 645 (2013). I was co-counsel at trial. Brockmeyer was convicted of murdering his friend, outside a nightclub. The South Carolina Supreme Court affirmed the conviction and held that the chain of custody log maintained by SLED and testified to by a records custodian adequately proved the chain of custody on items submitted for testing and analysis. Previously, some trial court judges required each and every person from the time of collection to testing and back to the submitting agency to testify before an item would be admitted into evidence.

(c) State v. Walker, 844 S.E.2d 405 (SC Ct App 2020). I was lead counsel at trial. Walker was convicted of murdering Catherine Banty, the mother of his child. The South Carolina Court of Appeals affirmed the conviction and the admission of the defendant's statements. The court continued to clarify the law and provide guidance on custodial interrogation. The court held that defendant's subjective belief was insufficient to rise to the level of custody; and that the question of whether a reasonable person would have considered himself in custody was debatable and supported by the record. Upholding the trial court's ruling, that defendant was not in custody.

(d) State v. Prather, 840 S.E.2d 551 (SC 2020). I was co-counsel at trial. Prather was convicted at trial of the murder of Gerald Stewart. At trial, SLED agent Paul LaRosa testified in reply over objection of defense counsel. LaRosa was qualified as an expert in crime scene analysis opining on "staging," directed anger, and covering. LaRosa testified that based on the evidence and the time frame involved that "there were specifically two people in there after the crime." A divided Court of Appeals reversed the conviction and remanded for a new trial. The South Carolina Supreme Court reversed the Court of Appeals finding the trial court did not err in admitting the reply testimony. A first of its kind, this case provided needed guidance regarding proper reply testimony in the area of crime scene analysis.

(e) State v. Ballington, 551 S.E.2d 280 (SC Ct App 2001). I was co-counsel at trial. Ballington was convicted of the murder of his wife, Edna Lynn Ballington. The Court discusses malice and analyzes the types of evidence in this case that could have supported the jury's verdict. The Court citing previous cases pointed that malice may be implied by brute

force and that at times a hand could be a deadly weapon. The Court discussed the specific facts of the case finding that the evidence permitted the conclusions that the victim was severely beaten and strangled for an extended period of time. Additionally, the Court discusses Ballington's attempt to cover up how his wife died suggesting a wicked or depraved spirit also supporting the finding of malice.

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

Judge Graham reported that he has held the following judicial office(s):
(a) I am currently an Associate Judge for the Town of Lexington (P/T). I was appointed September 5, 2023. Municipal court have jurisdiction over town ordinances and criminal offenses that do not exceed thirty (30) days in jail and/or a fine not exceeding $500. Also, cases which meet the requirements of South Carolina Code Section 22-3-545 may be transferred from General Sessions.
(b) I am currently an Assisting Drug Court Judge for the Eleventh Circuit Adult Drug Treatment Program. I was appointed November 30, 2023 by Chief Justice Beatty. By that Order, I "may impose sanctions for violations of the conditions of the Adult Drug Treatment Court Program. Sanctions may include, but are not limited to, public service work, additional treatment, or termination of participation in the Program."

Judge Graham provided the following list of his most significant orders or opinions:
(a) None

Judge Graham reported the following regarding his employment while serving as a judge:
Graham Law, LLC – Sole proprietor, 2022 to present.

Judge Graham further reported the following regarding unsuccessful candidacies:
(a) Lexington County Master-in-Equity; 2005; found qualified to serve.
(b) Circuit Court, Eleventh Judicial Circuit, Seat 2; 2017; found qualified but not nominated.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Graham to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability and experience; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee stated. "Civil experience lacking but he's working on it. Big improvement in judicial temperament."

Judge Graham is not married. He has two children.

Judge Graham reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar
(b) Lexington County Bar

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

Judge Graham further reported:
I was a prosecuting trial attorney for over twenty five (25) years. A prosecutor represents the people and has a duty to seek justice and not win at any cost. I have been fortunate, that in my career, I used my discretion and was able to do what I thought was appropriate, just and fair. I have always treated victims, witnesses, opposing counsel and defendants with respect as is evident by my letters of recommendation. I have had to manage a docket. I have dismissed cases when there has been a lack of evidence to prosecute. I have sent first time offenders to Pre Trial Intervention. I have reduced charges when the facts haven't supported the charge. I have recommended probation when it was appropriate. I have also negotiated pleas that resulted in prison sentences. I have tried cases when the facts and law have convinced me of the defendant's guilt and the defendant wouldn't accept responsibility. In my career as a prosecutor, I have had the discretion and responsibility to do justice.
I have also worked as an appointed guardian ad litem in several guardianship and conservatorship actions in probate court. Just like

criminal defendants, these individuals are also in a position where they may lose their rights and liberties. Accordingly, I take my duty as guardian ad litem seriously.

In my first bench trial as a municipal judge, I found the defendant not guilty for failure of the officer to prove guilt beyond a reasonable doubt. The state must prove their case and my prior experience as a prosecutor made it clear that they had not done so.

My entire legal profession has been shaped by my steadfast belief in the rule of law, the rights of individuals, and the protection of society.

(11) Commission Members' Comments:
The Commission made distinguishing comments of Judge Graham's reference letters. Specifically, they noted that he had letter from criminal defense attorneys commending his temperament as a prosecutor. They also noted Judge Graham's service as a judge of the Lexington County drug court.

(12) Conclusion:
The Commission found Judge Graham qualified, and nominated him for election to Circuit Court, Eleventh Judicial Circuit, Seat 1.

Derrick E. Mobley
Circuit Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Mobley was born in 1977. He is 47 years old and a resident of Gilbert, South Carolina. Mr. Mobley provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

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

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

Mr. Mobley 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. Mobley 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. Mobley to be intelligent and knowledgeable.

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

(a) As an Assistant Solicitor, I was a frequent speaker for the South Carolina Commission on Prosecution Commission on matters involving DUI arrests, pre-trial motions, evidence and trial strategies. The courses were made available to and attended by law enforcement officers, prosecutors and Summary Court Judges.
(b) Additionally, as an Assistant Solicitor, I assisted instructors from the South Carolina Criminal Justice Academy with teaching accident reconstruction and testifying as accident reconstruction experts during Felony DUI prosecutions.

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

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

The Commission noted that the state tax lien for individual income taxes filed against Mr. Mobley and his former wife in 2012 has been satisfied.

The Commission also noted that Mr. Mobley 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. Mobley reported that his rating by a legal rating organization, Martindale-Hubbell, is 4.4 out of 5 stars, and his Google Reviews were 4.9 out of 5 stars.

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

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

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

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

(8) Experience:
Mr. Mobley was admitted to the South Carolina Bar in 2007.

He gave the following account of his legal experience since graduation from law school:
August 2006 – November 2006: Judicial Law Clerk for the Honorable Alison Lee

- Perform stator and case law research
- Draft memorandums of law
- Analyze legal issues
- Liaison between the Judge and interested parties
- Interpret relevant statutes and case law
- Was not involved in any financial matters.

December 2006 – October 2007: South Carolina Department of Labor, Licensing and Regulations

- Perform statutory and case law research
- Draft memorandums of law.
- Analyze legal issues.
- Draft formal complaints.

- Investigate alleged regulatory and stator violations.
- Was not involved in any financial matters.

October 2007 – November 2010: Eleventh Judicial Circuit Solicitor's Office (Lexington)

- Prosecuted defendants that were arrested in Lexington County for charges ranging from Driving Under the Influence, Felony DUI, Drug Trafficking, Hit & Run, Armed Robbery, Assault and Battery with the Intent to Kill, and Murder.
- Issue legal opinions regarding pending cases.
- Correspond and meet with victims regarding pending cases.
- Presenter for the Prosecution Commission (D.U.I.)
- Drug prosecutor for the Lexington County Narcotics Enforcement Team (N.E.T. Team)
- Disposed of at least 908 active warrants during tenure.
- Trials to jury verdict included Driving Under the Influence, Felony D.U.I. – Death, Drug Trafficking, Armed Robbery, Murder.
- Was not involved in any financial matters.

November 2010 – June 2012: Law Office of Richard J. Breibart, LLC

- Defend clients against criminal arrest warrants and/or accusations.
- Perform legal research.
- Draft memorandum of law.
- Advise and counsel clients of the legal process.
- New Business Development.
- Was not involved with financial matters of the firm. I was only responsible for signing the new clients up with a retainer agreement, then the retainer fees were accepted and handled by the firm's intake specialist and in-house accountant through the completion of said matter.

June 2012 – Present: Law Office of Derrick E. Mobley, LLC (Founder/Owner)

- Criminal Defense and Plaintiff Attorney.
- Perform legal research
- Draft memorandums of law
- Advise clients of the legal process and protection of their Constitutional rights.
- Managed all day-to-day operations of office.

- Managed and completed all administrative tasks until 2018.
- Calendared and managed daily calendar.
- Completely control and manage all financial matters of the office including Operating and Trust/IOLTA accounts.
- Manage payroll, expenditures, distributions, operation expenses, etc…

June 2014 – December 2021: Municipal Court Judge (part-time)

- Conduct administrative functions of the court, as needed.
- Preside over bond settings.
- Review, accept/deny arrest and/or search warrants.
- Conduct research, and issue rulings in compliance with Federal, State and local laws.
- Was not involved with any financial matters.

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

(1). Prior to even graduating from law school, I had the privilege of working at the South Carolina Court Administration, Judicial Department, as a law intern. Me and a co-law intern were assigned the task of correcting, updating and interpreting every CDR code (approximately 3000) that existed within the South Carolina judicial system. Although the work was tedious and labor intensive, it provided me with direct knowledge of every active criminal statute that allows General Sessions court to function. This began the foundation of my criminal law experience, and it was a project ordered by Chief Justice Toal for a statewide launch under the new case management system.

After graduating from law school, I had the opportunity to work as a law clerk to the Honorable Alison Lee, as an Assistant Solicitor to the Honorable Donald V. Myers at the Eleventh Circuit Solicitors Office, as an associate in private practice, as an owner/founder of the Law Office of Derrick E. Mobley and 7 ½ years as a Municipal Court Judge in the City of Mauldin. As a judicial law clerk to the Honorable Alison Lee, I had the opportunity to observe both civil and criminal matters from the bench. I would assist with drafting orders, scheduling motions hearings, and conducting research regarding legal issues. As an Assistant Solicitor, I disposed of at least 908 warrants that that ranged from Driving Under the Influence to Murder. During my tenure as an Assistant Solicitor, I was able to secure guilty verdicts at trial that included the following: State v. Adrian Eaglin (murder; life without

parole); State v. Christopher Manning (Felony D.U.I. Death; 18 years); State v. Andre Jamison (Felony D.U.I. Death; 15 years; "Jesse's Way" bike lane on the Blossome Street bridge is dedicated to the victim). My tenure at the Solicitors Office is by far the most important legal experience of my career. I had the opportunity to understand the admission of evidence, expert witness testimony, evidentiary issues and trial dynamics. The position taught me how to be a trial attorney.

Upon entering private practice, I had the opportunity to understand the dynamics of business development, managing client expectations, time management, and the day-to-day functions of private practice. It helped me understand the urgency, or lack thereof, of private attorneys as they represented their clients while I was an Assistant Solicitor. I appreciated their efforts and understood their plight and/or strategies now as an attorney in private practice.

In June 2012, I opened the Law Office of Derrick E. Mobley, LLC. The office immediately began accepting criminal defense and personal injury clients. In 2014, I was chosen as a Rule 608 Contract Attorney and have had the contract renewed every year since. Over the course of the 12 years that this office has been open, I've represented individuals in both federal and state courts at all stages of both criminal and civil proceedings as either lead counsel or co-counsel. According to my records, I've opened 1,222 new criminal files (unknown number of total warrants) and handled and closed at least 30 personal injury files (total gross settlements exceed $2 million; lead counsel and co-counsel cases included).

In June 2014, I had the privilege of being appointed as a part-time Municipal Court Judge at the City of Mauldin. My chief responsibilities were reviewing search warrant request, probable cause inquiries from law enforcement, issuance of arrest warrants, bond setting hearings, judicial administrative duties and presided over several guilty plea hearings, and bench trials. I resigned from the judgeship in December 2021 as I was elected to be President of the Lexington County Bar Association. Thus, my resignation was to conform with the requirements as stated under Judicial Canon 4(C)(3)(B)(iii) which forbids a judiciary member from "personally participate in membership solicitation if the solicitation might be reasonably be perceived or, except as permitted in Section 4C(3)(b)(i), if the membership solicitation is essentially a fund-raising mechanism;" As President of the Lexington Bar Association, not only are you tasked with leading the organization, but you are also expected to promote membership growth through solicitation of prospective new membership which increases the organizations bottom

line revenue growth. Therefore, I could not retain the Municipal Court Judgeship while acting as the President of the LCBA. Therefore, I resigned to avoid any violation of Judicial Canon 4(C).

Focusing on the last five years of my criminal legal practice, I have represented individuals in various criminal matters in state and federal court. My criminal practice includes representing individuals that are charged with everything from Driving Under the Influence to Murder. I've attended preliminary hearings, bond hearings, motions to reconsider bond, motions to reconsider sentence, motions to vacate bench warrants, plea hearings, interrogations, and jury trials. Most recently this year, I had a 3 co-defendant "Stand Your Ground" murder hearing that did not result in a ruling of immunity from the bench, but it did result in the hearing being suspended, murder warrant dismissed and the client accepting a negotiated Accessory After the Fact of Murder plea. In 2021, a "Stand Your Ground" hearing was held after my client was arrested, along with two co-defendants, for murder. There were issues of legal theory of mutual combat and the protection of others under the "Stand Your Ground" statute. In this case, my client was granted immunity under the "Stand Your Ground" statute and released. I have 3 more "Stand Your Ground" hearings that are currently being scheduled over the next few months. In short, it is common for me to appear before multiple Circuit Court judges daily in multiple counties throughout each week.

Civilly, my practice focuses more on being the plaintiff attorney of personal injury cases. Almost all my Court of Common Pleas matters result in settlement as opposed to trial. I mainly focus on securing a personal injury settlement through negotiations with the adjuster of the at-fault's insurance company. I've had the opportunity to settle cases for individuals involved with motor vehicle accidents, slip-and-fall, and premise liability. However, I have been involved with several filed lawsuits, as co-counsel, that have resulted in significant six figure settlements on both the federal and state level. Those specific cases involved depositions, motions to compel, pretrial hearings, mediations, scheduling orders and confidential settlement agreements. There are several pending personal injury matters that have yet to be resolved through mediation or trial, if necessary.

Over the course of my legal career, I have been fortunate to be able to experience litigating matters from both sides of the courtroom aisle while also ruling upon matters of law from the middle: Personal Injury Plaintiff Attorney, Criminal Defense Attorney and Municipal Court Judge. I

believe these experiences uniquely qualify me as a candidate for the Circuit Court bench.

Mr. Mobley reported the frequency of his court appearances during the past five years as follows:
(a) Federal: Approximately 3 – 5 times total;
(b) State: Almost daily. I have a statewide practice that requires me to represent individuals in multiple Municipal, Magistrate and Circuit Courts throughout the state in multiple counties almost daily.

Mr. Mobley reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 10-14%;
(b) Criminal: 85-90%;
(c) Domestic: 0%;
(d) Other: 1%.

Mr. Mobley reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 90-95%;
(b) Number of cases that went to trial and resulted in a verdict:
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: Approximately 5.
(d) Number of cases settled after jury selection but prior to opening statements: None.

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

The following is Mr. Mobley's account of his five most significant litigated matters:
(a) State v. Adrian Eaglin: In this matter, I was the assigned Assistant Solicitor. As 1st chair prosecutor, I was tasked with trying this case as a circumstantial evidence strangulation murder case in Lexington County General Sessions. The was three years old (arrest to trial) and relied heavily upon reluctant witness testimony and forensic blood analysis. This case was significant to me, because the family of the victim was not encouraged that justice could be achieved for their loved one after 3 years of the case pending. I wasn't assigned to the case until approximately 2

years after initial arrest. After being assigned the case, my intent was to assure the family that justice would be sought swiftly and efficiently. After thoroughly examining the evidence and trial preparation, my co-counsel and I proceeded to trial and obtained a guilty verdict. The defendant was sentenced to life imprisonment.

(b) State v. Kevin Holland: In this matter, Jack Swerling and I represented the client as his Criminal Defense Attorneys. This criminal matter was litigated in Newberry County General Sessions Court. This matter involved a shooting at a Halloween Party which ultimately resulted in a 3rd party bystander death. Our client, along with two other defendants, were arrested for murder of the bystander. The State's theory was that all three co-defendants were equally responsible for the death of the bystander, because they were engaging in "mutual combat." Our position was that our client was protecting his twin brother by returning gun fire at the person who was firing gunshots at his brother. Furthermore, we were able to forensically determine that our client's gunshots were not the cause of the bystander's death. Unable to come to a mutual agreement regarding the legal implications of their legal theory and our evidentiary analysis, we proceeded to a "Stand Your Ground" hearing. The Court granted immunity under the "Stand Your Ground" statute after hearing all witnesses, analyzing all evidence and expert witnesses. This case was important to me, because it allowed me to utilize the law, and case law, as written for a just and proper outcome.

(c) State v. Christopher Manning: In this matter, I was the assigned Assistant Solicitor. The case was litigated in Lexington County. The case involved the Defendant being charged with Felony DUI resulting in Death because of his friend (front seat passenger) being killed during a dramatic single car wreck. Testimony revealed that both the defendant and his friend were impaired (blood alcohol levels of .173 and .169, respectively). At issue was who was the driver as both occupants had been ejected into a field from the overturned vehicle. Testimony, forensic expert witness testimony of blood splatter on the steering wheel, and expert witness testimony about accident reconstruction by the South Carolina Highway Patrol's M.A.I.T. Team identified the Defendant as the driver of said vehicle. A jury subsequently returned a verdict of guilty. The Defendant was sentenced to the South Carolina Department of Corrections for a term of 18 years. This case is significant to me, because the verdict was appealed to the South Carolina Court of Appeals and upheld. Furthermore, the case provided guidance regarding the failure to produce an affidavit in compliance with the video taping

statute. State v. Manning, 400 S.C. 257, 264, 734 S.E.2d 314, 317–18 (Ct.App.2012)

(d) State v. Andra Jamison: In this matter, I was the assigned Assistant Solicitor. This matter was litigated in Lexington County. The Defendant was charged with Felony D.U.I. resulting in Death of a bicyclist. This case involved allegations that the Defendant was "materially and appreciably impaired" to the point that his faculties to drive were not safe. The matter proceeded to jury trial where the defendant was found guilty and sentenced to 18 years at the South Carolina Department of Corrections. The bicyclist, who was riding his bike home after leaving work, was subsequently memorialized by the City of Cayce with a bike lane over the Blossom Street bridge appropriately dedicated as "Jesse's Way" Bike Lane. This case is important to me, because it allowed me to weave common sense, legal theory and creative arguments together for a just outcome.

(e) State v. Max Gantt: In this matter, I was appointed as the Criminal Defense Attorney through S.C. App. Ct. R. 608. The case was litigated in Richland County Court as a State Grand Jury case. The South Carolina Attorney General Office was the prosecuting agency. Mr. Gantt was charged with Trafficking Marijuana (more than 100 lbs.). It was alleged that he knowingly assisted and helped further, in conspiracy with a targeted co-conspirator, the trafficking of marijuana from Texas to South Carolina. At some point, a heavy-duty truck was dropped off at the Richland Count Mall by a 3rd party. My client was instructed by his employer to go pick up the truck and bring it back to his work location. My client then proceeded to the mall area parking lot, and began the process of cranking the truck and leaving the parking lot; at which point, numerous law enforcement officers surrounded the truck and arrested my client. 100+ lbs. of packaged marijuana was subsequently located in the truck's gas tank. The State's theory was that my client knew what was in the truck's gas tank and was a co-conspirator with the targeted co-conspirator, and he was guilty of constructive possession of the marijuana. My theory was that he had no knowledge of said contents, was not conspiring with the co-conspirator, only following the directions of his employer and the State could not prove beyond a reasonable doubt that my client had knowledge of said marijuana in the gas tank. The case proceeded to trial and resulted in a Not Guilty verdict. This case is significant to me, because it shows that I treat all private and appointed clients the same while vigorously defending their rights and advocating the law on their behalf.

Mr. Mobley reported he has not personally handled any civil or criminal appeals. He reported that: As a trial attorney, I've only lost 6 jury trials in my entire career as either an Assistant Solicitor or Criminal Defense Attorney. Therefore, the need to file criminal appeals has been quite limited. However, I have filed several Notice of Intent to Appeals for some of those trial losses to preserve their right to appeal, but the appeals were ultimately handled by the South Carolina Indigent Defense (Appellate Counsel) or other private attorneys.

Mr. Mobley reported that he has held the following judicial office: I was appointed as a Municipal Court Judge (part-time) in the City of Mauldin (June 2014 – December 2021). The Mauldin Municipal Court has jurisdiction over cases arising under ordinances of the municipality, and over all offenses (criminal and traffic) which are subject to a fine not exceeding $500.00 or up to 30 days imprisonment, or both. The Municipal Court Judges' jurisdiction does not extend to misdemeanor or felony offenses where the possible fine is in excess of $500.00 or more than 30 days imprisonment. Furthermore, Municipal Court Judges do not have jurisdiction over civil matters. It is a court of limited jurisdiction.

Mr. Mobley provided the following list of his most significant orders or opinions: As a Municipal Court Judge, I mainly presided over misdemeanor offenses. As such, I never had the opportunity to issue an order as most matters were resolved without a need or desire by the parties to have an order or opinion issued.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Mobley 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 Midlands Citizens Committee also stated: "No comment. Well-qualified."

Mr. Mobley is not married. He has one child.

Mr. Mobley reported that he was a member of the following Bar and professional associations:
(a) Lexington County Bar Association – Past President (2021 – 2022)
(b) Richland County Bar Association
(c) South Carolina Black Lawyers Association – 11th Circuit Representative

Mr. Mobley provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Farmers Enterprise Lodge #280 – PHA F&AM

Mr. Mobley further reported:
The Widow's Son

As a teenager (17 years old), my mother told me something that I will never forget…

She stated, "…you can't be protected by the law if you don't know the law…"

This was on the heels of us finding out that my father (her husband) 17 years earlier died because of possible workplace negligence, instead of personal safety lapses as told to her by the company. I'll never forget those words or the day we found out about what allegedly happened to cause my father to fall 180 ft to his death while working on a railroad trestle in Toccoa, GA on May 11, 1977.

I was filled with confusion that filled my thoughts, heart, and spirit during that conversation.

Me: "How could this be?"
"What can we do?"
"Who can we call?"

Mom: "I don't know…"
"I don't know any attorneys to call."

Thus, at the tender age of 17 years old, entering my senior year of high school, I had decided that I wanted to become an attorney. I never wanted to hear any other person in my family or community feel as if they did not personally know an attorney or what to do when a legal

situation arises. It was at this point I would embark upon a lifelong journey to acquire as much legal knowledge and experience as possible to simply help others.

During my efforts to acquire as much legal knowledge as possible, I had the opportunity to continue helping others during some of their most difficult moments in life. As a young Assistant Solicitor, I learned essential trial skills to help provide a sense of justice to communities, families and victims. As a Criminal Defense Attorney, I was able to protect the constitutional rights of the accused while requiring the State to meet their burdens of proof when proceeding with prosecuting someone for an accusation. As a Personal Injury Plaintiff's Attorney, I've utilized case preparation skills to address individual's injuries while skillful negotiation, preparation and case law analysis. As a Municipal Court Judge, I've been able to combine my experience as a prosecutor, criminal defense attorney and plaintiff's attorney to apply the law as written in a fair, impartial and just manner. While in each position, I remembered that each defendant, victim, juror, witness, clerk of court, bailiff, law enforcement agent, observer and/or custodial staff member deserved to be treated with the utmost respect and courtesy as this may be the first time that either one of them has ever met an attorney in real life. I've had the benefit of acquiring vast amounts of knowledge across a wide range of legal fields, and plan to utilize that knowledge to serve the best interests of the citizens of South Carolina for many years to come regardless of which position that I continue to serve.
I am very confident that I know the duties required to fulfill the duties of the office due to my legal knowledge, legal experience and life lessons along the way. If appointed, I would dedicate my efforts to ensure that everyone in the courtroom is treated with respect, courtesy and even temperament. The administration of justice does not have to seem so foreign and distant to all that enters its orbit. The doors of the courthouse will be open, public and without mystery to all whom seek justice.

"…you can't be protected by the law if you don't know the law…" Bernice Jeter Mobley Land (Sunrise: 10/01/43 - Sunset: 01/13/2014)

(11) Commission Members' Comments:
The Commission commented that Mr. Mobley is regarded as highly ethical and a skilled trial attorney. They noted that he has a reputation for always going the extra mile.

(12) Conclusion:
The Commission found Mr. Mobley qualified, and nominated him for election to Circuit Court, Eleventh Judicial Circuit, Seat 1.

Christian Giresi Spradley
Circuit Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Spradley was born in 1969. He is 55 years old and a resident of Batesburg-Leesville, South Carolina. Mr. Spradley provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

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

Mr. Spradley 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. Spradley reported that he has made $1,419.72 in campaign expenditures for name tags, business cards, resumes, note cards, hand cards, thank you cards, and stamps.

Mr. Spradley 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. Spradley 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. Spradley to be intelligent and knowledgeable.

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

(a) I lectured at the March 18, 2002 DUI Trial Advocacy From Arrest to Verdict presented by the South Carolina Prosecution Commission, the South Carolina Department of Public Safety, and the South Carolina Sheriffs' Association.
(b) I lectured at the March 17, 2008 Magistrate Orientation School.
(c) I lectured at the July 21, 2008 Magistrate Orientation School.
(d) I lectured at the March 16, 2009 Magistrate Orientation School.
(e) I lectured at the July 20, 2009 Magistrate Orientation School.
(f) I lectured at the August 17, 2009 Annual Intensive Training for Magistrate and Municipal Judges.
(g) I lectured at the August 16, 2010 Annual Intensive Training for Magistrate and Municipal Judges.
(h) I lectured at the May 1, 2012 Criminal Litigation from A to Z CLE.
(i) I lectured at the February 20, 2014 "May it Please the Court" Effective Case Presentation at Trial CLE.
(j) I lectured for SDDOR in 2015 to County Auditors, Treasurers, and Tax Collectors on FOIA issues.
(k) I lectured at the August 15, 2016 Annual Intensive Training for Magistrate and Municipal Judges.
(l) I lectured at the August 4, 2019 SCACA Annual Conference.
(m) I lectured at the March 6, 2020 Sex Crimes: Getting Serious about Sex Crime Defense.
(n) I lectured at the October 13, 2021 SCMA Conference.
(o) I have lectured at the SCFFA Leadership Institute for multiple year on legal issues.

(p) I have lectured at the SCFFA Officer's Academy for multiple years on legal issues.
(q) I have lectured at multiple fire departments throughout the state for years on legal issues.

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

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

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

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

Mr. Spradley reported that he has not served in the military.
Mr. Spradley reported that he has never held public office other than judicial office.

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

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

(8) Experience:
Mr. Spradley was admitted to the South Carolina Bar in 1997.

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

(a) 1997 Law Office of John Harte – Only employed for a period of weeks
(b) 1998-1999 Aiken County Public Defenders' Office – Defense of Indigents on matters ranging from DUI to Murder.
(c) 1999-2002 Lexington County Solicitors' Office – Prosecution of Criminal Cases from DUI to Murder. First Prosecutor for the LCMANET.
(d) 2002-Present Moore Bradley Myers Law Firm P.A. (with pn investigated for uded). – Hired as an Associate, became Partner in 2005 and became Managing Partner in 2021. My practice is a General Practice covering many areas of the law. In operating the Saluda office, I personally have been responsible for the day to day operation, administrative operation and financial management of the office since it opened. Since becoming Managing Partner, I am responsible for the overall operation of the firm. All attorneys are responsible for the management of trust accounts. In Saluda, I have a trust account for which I am responsible.

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

Criminal Experience: During my employment with the Aiken County Public Defenders' Office and the Eleventh Judicial Circuit Solicitors' Office I both prosecuted and defended cases ranging from DUI to Murder. I learned valuable lessons from both positions.

As a Public Defender I learned how to deal with large caseloads while ensuring that each client received both the legal and personal time needed for their cases. It was driven home that every case is important to ensure that rights are not infringed upon. The time management skills that I learned have been a great help to me in my practice.

As an Assistant Solicitor I was hired to originally run Transfer Court. This entailed setting a docket and running the Court. I was later moved to General Sessions where I eventually became the prosecutor for the Lexington County Narcotics Enforcement Team. I spent time with law enforcement and directed them as to what was expected from them from a prosecution standpoint. I learned how to determine which cases were worthy of prosecution and which defendants were worthy of second chances. In essence, dispensing justice does not equate to obtaining a

conviction in every case. I learned that certain cases required rehabilitation, while others called for housing a defendant.

In private practice I have solely defended accused individuals. I handle cases in both city/magistrate courts as well as General Sessions. I have handled cases ranging from traffic tickets to Criminal Sexual Conduct with a Minor and Murder.

Civil Experience: Once I entered private practice I began obtaining experience in the civil realm. Most of my civil practice has revolved around Plaintiffs' cases, but I have also had a few cases on the defense side as well as appearing often in Family Court. I have also served as County Attorney for a number of years as well as representing municipalities and a Special Purpose District. I have handled probate matters as well as cases before Masters-In-Equity/Special Referees.

From a Plaintiff's standpoint, I have dealt with wreck cases, property cases, contractual disputes, fiduciary issues, election issues, as well as others. My defense practice has been limited to auto and civil issues over property.

Mr. Spradley reported the frequency of his court appearances during the past five years as follows:
(a) Federal: Very infrequently. Once in total
(b) State: Frequently. Depending on time of year, weekly.

Mr. Spradley reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 33%
(b) Criminal: 33%
(c) Domestic: 25%
(d) Other: 8%

Mr. Spradley reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 90%
(b) Number of cases that went to trial and resulted in a verdict: 3%
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 6%

(d) Number of cases settled after jury selection but prior to opening statements: 1%

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

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

(a) State v. James Michael Lucas – As an Assistant Solicitor I was assigned this case which was originally charged as Involuntary Manslaughter by another Assistant Solicitor. When I received the case to prosecute, the fact pattern led me to believe that something other than an accident took place. I requested that a SLED Crime Scene team perform a blood spatter analysis nearly a year after the incident. Based on newly discovered evidence I was able to prove that Mr. Lucas shouldered his weapon and fired it killing a 13 year old mentally handicapped girl. Mr. Lucas was Straight Indicted for and convicted of Murder. He received a Life Sentence.

(b) State v. Johnny West – Mr. West was charged with Driving with an Unlawful Alcohol Concentration when the law was first adopted. A ticket was never written for the original DUI which negated law enforcement's ability to request a breath sample. The order that I obtained dismissing my client's charges and the theory I used has been utilized by numerous defense attorneys in the State.

(c) State v. Donnie Brown – As a Public Defender I represented Mr. Brown who was charged with Murder in Aiken County. His defense was self-defense. At the end of the State's case, Mr. Brown was offered a plea to involuntary manslaughter with a negotiated sentence which would have resulted in time served. Mr. Brown declined the offer and was later convicted of Murder. This case is significant in that though my vigorous defense was able to obtain an offer which would have afforded Mr. Brown a life outside of prison.

(d) Durst v. Koontz – This case involved property on Lake Murray where the Defendant claimed ownership of portions of land deed to Plaintiff. In representing Plaintiff I was able to establish ownership in my client and defeat Defendant's claim of acquiescence in the property line.

(e) Wiszowati v. Republican Party – Client was a candidate for a South Carolina House seat and was removed from the ballot on the Saturday before the primary. I was able to have my client remain on the ballot.

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

(a) Lambries v. Saluda County Council, 760 S.E.2d 785 (S.C. 2014) – June 18, 2014. This case dealt with the Freedom of Information Act issue as to whether it was proper for a County Council to amend its agenda during a regular meeting. I was successful in having the Circuit Court uphold the amendment as proper and Plaintiff appealed. In a split decision the Court of Appeals held that it was not proper. The case was argued before the Supreme Court of South Carolina which overturned the Court of Appeals and affirmed the Circuit Court.

(b) Perry v. Perry, Unpublished – January 5, 2009. Family Court post-divorce custody action. Representing the Mother/Plaintiff we requested the Court name a primary custodian in a split custody situation due to significant discord in the decision making process between the parents. We argued that no change in circumstance was necessary because we were not changing the custodial situation, only clarifying it. Trial Court ruled that a change in circumstance was necessary and refused to make any changes. We appealed and the Court of Appeals upheld the Trial Court's ruling.

(c) Clark v. Irving et al – September 26, 2013. This is a partition action in which I represent the Plaintiff. Several different people own smaller shares of a large tract of land. After obtaining the results desired by my client, one of the defendants appealed. The Appeal was dismissed.

The following is Mr. Spradley's account of the criminal appeal he has personally handled:

State v. Fayth Leeann Dickson – September 15, 2010. Client was convicted of DUI in Magistrates Court. We appealed based on eight separate grounds. In the case the proper advising of Miranda, chain of custody, proper foundation for admission of evidence, and Rule 5 of the Criminal Rules of Procedure were major issues. The Circuit Court granted the appeal and dismissed the charges against the Defendant.

Mr. Spradley further reported the following regarding unsuccessful candidacies:

Yes. I ran in 2023 for Circuit Court At Large Seat 16. I was found Qualified but was not screen out by JMSC.

(9) Judicial Temperament:

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Spradley to be "Well-Qualified" as to the evaluative criteria of ethical fitness, processional 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: "Well rounded candidate – will be an asset to the circuit court bench."

Mr. Spradley is married to Christina Reece Spradley. He has two children.

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

(a) South Carolina Bar
(b) Tri-County Bar
(c) Saluda County Bar- President 2019-Present
(d) Lexington County Bar
(e) South Carolina Association of Criminal Defense Lawyers- Board Member 2016-2018
(f) SC Bar Ethics Advisory Committee 2022-2023
(g) SC Bar Convention Committee 2022-Present
(h) SC Association of Justice
(i) 11th Circuit Fee Dispute Board Member

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

(a) B-L Rotary Club- Member 2017-Present, President 2019-2020, Board of Directors 2020-2021
(b) Town of Saluda Fire Department- Firefighter 2012-Present
(c) F3 Nation- F3 Lexington- F3 Smokehouse

Mr. Spradley further reported:
I have learned that attorneys that work in trial courts deal with people who are at the lowest point of their lives. They have either lost someone, been injured, been victimized, accused of a crime, going through a divorce, or some other life altering event. Most of the time, if these individuals feel that they have been heard and have been treated fairly, they may not like it but will accept the result. In many cases, how the result is delivered can make all the difference in how it is perceived. Harsh results can be handed down with a velvet glove. I would aspire to

be the kind of judge that may not rule a way that everyone likes, but in a way that everyone understands and hopefully can live with.

I have been blessed with a great family. My father instilled in me the belief that public service and giving back to my fellow man are cornerstones of society. My wife has been very supportive of my desire to serve our State as a Circuit Court Judge. I am offering myself out of pure desire to continue a lifelong commitment to my fellow man.

(11) Commission Members' Comments:
One affidavit was filed against Mr. Spradley by Ralph Kennedy. The Commission dismissed two of the three matters raised in the complaint due to lack of personal knowledge of the matters by the complainant. Ralph Kennedy provided oral testimony before the Commission on the remaining issue. The Commission thoroughly reviewed the affidavit, and any accompanying documents provided from the complainant, as well as a written response and oral testimony from Mr. Spradley. After careful consideration of the testimonies, complaints, response, and accompanying documents, the Commission does not find a failing on the part of Mr. Spradley in the nine evaluative criteria.

The Commission commented that Mr. Spradley is a well-rounded candidate and that his breadth and depth of experience qualifies him to be a Circuit Court judge. The Committee noted that while there were many hard issues to discuss, Mr. Spradley handled himself in the right way—answering the Commission's questions truthfully and respectfully.

(12) Conclusion:
The Commission found Mr. Spradley qualified, and nominated him for election to Circuit Court, Eleventh Judicial Circuit, Seat 1.

Melissa A. Inzerillo
Circuit Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

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

For the vacancy for Circuit Court, Sixteenth Judicial Circuit, Seat 2, two candidates applied for this vacancy, and one candidate withdrew before the Commission voted. Accordingly, the name and qualification of one candidate is hereby submitted in this report.

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

Ms. Inzerillo was born in 1976. She is 48 years old and a resident of Rock Hill, South Carolina. Ms. Inzerillo provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

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

Ms. Inzerillo 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. Inzerillo reported that she has made $142.04 in campaign expenditures for postcards and name badges.

Ms. Inzerillo 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. Inzerillo 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. Inzerillo to be intelligent and knowledgeable.

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

(a) I have taught at the PD 103 course for new public defenders. This course teaches hands-on trial skills.
(b) I assisted with a local CLE put on by the York County Bar entitled "Back in the Swing of Things (A courtroom refresher, information session, and practice opportunity)." This CLE taught courtroom skills through lecture and demonstrations, and I assisted as a witness for some demonstrations.
(c) I am a volunteer judge for the Middle School Mock Trial Competition program through the South Carolina Bar.
(d) I have volunteered as a juror for a Mock Trial final for a homeschooling program.

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

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

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

The Commission also noted that Ms. Inzerillo 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. Inzerillo reported that she is not rated by any legal rating organization.
Ms. Inzerillo reported that she has not served in the military.

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

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

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

(8) Experience:
Ms. Inzerillo was admitted to the South Carolina Bar in 2001.

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

(a) Haynsworth Baldwin Johnson and Greaves LLC, Associate. 2001-2002. Handled defense of employment discrimination claims on behalf of corporate clients and handled all phases of obtaining visas for various corporate employers. I was not involved in the administrative and financial management of this entity.

(b) Orangeburg County Public Defender Office, Assistant Public Defender. Approx. 2003-2004. Handled all aspects of criminal defense of indigent clients at trial level, including investigation, negotiation of cases, motions, trials and pleas. I was not involved in the administrative and financial management of this entity.

(c) Charleston County Public Defender Office, Assistant Public Defender. Approx. 2004-2005. Handled all aspects of criminal defense of indigent clients at trial level, including investigation, negotiation of cases, motions, trials and pleas. I was not involved in the administrative and financial management of this entity.

(d) Sixteenth Circuit Public Defender Office, Deputy Public Defender (formerly York County Public Defender Office). I began as an assistant public defender in 2005 in York County, handling aspects of criminal defense of indigent clients at the trial level, including investigation, negotiation of cases, motions, trials and pleas. In 2020, I became Deputy Public Defender. In addition to the tasks of representing clients, I also handle the administration of three offices in our circuit. These duties include handling personnel matters, effectuating administrative policies, and overseeing (along

with the Circuit Public Defender) the allocation of the monies budgeted to the office.

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

I have handled criminal cases for the bulk of my career. I have represented clients charged with everything from magistrate offenses to murders in trial court. For the past five years, my practice has been a mix of lower-level felonies, murders, sex crimes, and drug offenses. The issues generally ranged from suppression issues to sufficiency of proof in the State's case, including motions under Jackson v. Denno (admission of statements), admission of evidence pursuant to State v. Lyle, evidentiary issues arising from forensic interviews in sex cases, and motions to exclude evidence for violations of the Fourth Amendment. I have also prepared and/or argued some State v. Duncan motions (stand your ground motions). A few years ago, York County began serving notice of intent to waive juveniles to General Sessions court, and I have worked on the more serious of those cases that our office has been appointed to. I sought this out to expand my knowledge of issues outside of the trial work I typically do. Several years back, I asked to also work on clients who were allowed to have their sentences reconsidered under Aiken v. Byars. This also expanded my skill set outside of the trial work I usually did. I also worked with the solicitors, judges and probate judge to start York County's Mental Health Court and worked with the solicitor's office to resume a modified Transfer Court in York County.

I have not done any civil work in the last five years. My first job was working in a civil firm, and so I am familiar with the requirements of civil work and private practice. I have a basic familiarity with the civil rules, and I am fully prepared to put in the work it will take to reacquaint myself with this area of the law. I have watched Common Pleas non-jury to refamiliarize myself with the issues and rules. I understand that regaining this knowledge will involve a steep learning curve, and I fully intend to put in the work it would take to fairly and competently judge these cases, including independent study and taking CLEs.

I have appeared daily and/or weekly in front of circuit court for the past five years.

Ms. Inzerillo reported the frequency of her court appearances during the past five years as follows:
(a) Federal: none;
(b) State: weekly.

Ms. Inzerillo reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: none;
(b) Criminal: 100% (including criminal matters in family and probate courts);
(c) Domestic: none;
(d) Other: none.

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

(a) Percentage of practice, including cases that settled prior to trial: 100%;
(b) Number of cases that went to trial and resulted in a verdict: 8.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: none. I had one or two trials end after the judge granted a mistrial after testimony began but before the end of the State's case.
(d) Number of cases settled after jury selection but prior to opening statements: four.

Ms. Inzerillo provided that during the past five years she most often served as sole counsel but has also served as co-counsel for coworkers and to younger attorneys in her office.

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

(a) State v. Frederick Floyd: Mr. Floyd was charged as a juvenile with murder after shooting a marijuana dealer in the parking lot of a homeless shelter. This was the first waiver case in York County. Although I had handled juvenile criminal matters in Family Court throughout my career, I quickly learned that waiver cases require a merging of considerations in Family Court and General Sessions that don't always align, and one must become adept at handling those considerations in the best interests of the client. We

had a waiver hearing in Mr. Floyd's case but before a ruling could be made, we reached an agreement to consent to waive Mr. Floyd to General Sessions court in exchange for a fifteen-year sentence.

(b) State v. James Brandon Smith: Mr. Smith pled guilty to 2 counts of murder when he was 17 years old. He killed two men and he and a friend burned down the house where the men were. Mr. Smith was given a life sentence in 2001. I began representing Mr. Smith after the Supreme Court allowed his case to be reheard pursuant to Aiken v. Byars. Because Aiken (and related cases) require the court to consider several factors regarding rehabilitation, I was able to really get to know Mr. Smith. Not only was he extensively evaluated, but I spent a lot of time of time with him preparing his case. Ultimately, Mr. Smith agreed to a 35-year sentence in 2017. This case was important to me because it showed what life was like for defendants after sentencing- how they adapt to living the rest of their lives in jail, the compromises they make and "new normal" they create. Often my job ends at sentencing and I never really saw a deep dive into what life is like after the sentence is handed down. This case was a fantastic education of what life is like after the sentence for those incarcerated, and has been helpful to me when advising and counseling clients who may receive long sentences in the Department of Corrections.

(c) State v. Christina Oliver: Ms. Oliver was arrested for murder in 2013 in Union County. She was in an abusive relationship and killed her boyfriend. Although Ms. Oliver pled to 14 years, I successfully argued for her to get parole eligibility under Section 16-25-90 of the South Carolina Code of Laws. Further, I went to Ms. Oliver's parole hearings and learned how the parole process works.

(d) State v. Cleveland Ford: Mr. Ford was charged with Assault and Battery of a High and Aggravated Nature for beating up a man, resulting in traumatic brain injury. Mr. Ford was arrested in 2017. I tried this case twice and hung the jury twice. Mr. Ford ultimately pled under N.C. vs. Alford and got probation.

(e) State v. Donta Reid: Mr. Reid was a seventeen-year-old charged with murder, armed robbery and conspiracy in

2009. Mr. Reid went to trial on his charges, and I was able to convince the judge that the hand of one, hand of all theory of accomplice liability did not apply in Mr. Reid's case because the murder of the victim was not a foreseen consequence of the conspiracy to rob him. Mr. Reid was convicted of all charges except for murder.

Ms. Inzerillo reported that she has not personally handled any civil appeals.

Ms. Inzerillo reported that she has not personally handled any criminal appeals, however she has written or co-authored amicus briefs on behalf of the S.C. Public Defender Association in two cases that were filed in the Supreme Court.

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

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Ms. Inzerillo to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Committee commented, "Ms. Inzerillo is a talented and experienced criminal defense lawyer who exhibits a strong work ethic and a commitment to public service. The Committee considers her 'qualified' (rather than 'well-qualified') in terms of experience only because she has not practiced as a civil lawyer, though she certainly has the aptitude to learn what she needs to learn to serve as a Circuit Court Judge."

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

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

(a) South Carolina Bar Association
(b) York County Bar Association
(c) South Carolina Public Defender Association: President, (2022-current); Sixteenth Circuit representative to the PDA Board (2022)

(d) South Carolina Association of Criminal Defense Attorneys
(e) South Carolina Women's Lawyers Association
(f) Gregory-Hayes Inn of Court

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

(a) American Red Cross, Disaster Services/ Government Operations
(b) Habitat for Humanity of York County- Restore volunteer
(c) Miracle League Softball buddy
(d) St. Philip Neri Catholic Church: Italian Festival Entertainment co-chair; Finance Committee member.
(e) NATAS Regional Emmy, "Television Programming Excellence, Interview/Discussion Program" as Producer of The Zone, a weekly teen show on S.C. Educational Television. June 1995. Also nominated June 1994.

Ms. Inzerillo further reported:
My parents instilled in me three core tenets: education, hard work, and service to others. I was the first in my family to attend college and law school. I constantly apply these tenets in my job as an attorney in the public defender office, which I see as a service to my community. I also see serving as a judge as a continuation of serving my community and would apply those same tenets.

I believe many will assume because I am an attorney in a public defender office, that I only see the world one way. I have been involved in the criminal justice system for over twenty years and understand how it all should work. I am not anti-law enforcement, anti-victim, or in favor of letting criminals go free. In my years in the courtroom, I have seen and acknowledged very good officers, I have spoken to victims and understand the hurt, confusion and anger they may have, and I believe that if a person commits a crime they should be punished. I also see the effect poverty, drugs and domestic violence have on my clients, and how various sentences affect their lives and the lives of their families. I do believe the system should be fair and equitable, and the judge should be a neutral arbiter within the system. I believe that if a person is charged with a crime or has a civil dispute they should have a fair system that judges the evidence in the case. The judge is an integral part of that system. Many of my clients (and many victims) want to be heard and feel like they were listened to. Some of the best judges I have been in

front of made defendants and victims feel like this was their day in court (regardless of how the case turned out), and that made a difference to them. This left an indelible mark on me, and I would strive to emulate that. Although I work on one side of the system, I would be fair and impartial to any litigant who is before me because I understand everyone in front of a court is hoping for a neutral, detached person to hear the case and judge it fairly.

Almost 25 years ago, a tragedy in my family showed me the hurt that can come through a violent act, and how important closure can be for families if they can get it. I carry these lessons with me every day in my current job, and I would also bring those lessons with me to the bench.

I have practiced in York and Union Counties for most of my career. I understand the docket system York and Union Counties have, and have worked within that system for several years, doing my part to make it more efficient. I have striven to make our courts better by working with various parties to start programs that will either help divert clients out of the system or streamline cases more efficiently.

I grew up in Rock Hill, and I came back to be closer to family. I am a member of this community and feel it would be a great honor to represent it as a resident judge.

(11) Commission Members' Comments:
The Commission commented that Ms. Inzerillo enjoys a reputation as a hard-working attorney. The Commission highlighted Ms. Inzerillo's willingness to help others and her commitment to work toward bettering the justice system in South Carolina.

(12) Conclusion:
The Commission found Ms. Inzerillo qualified and nominated her for election to Circuit Court, Sixteenth Judicial Circuit, Seat 2.

De Grant Gibbons
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Gibbons was born in 1963. He is 61 years old and a resident of Aiken, South Carolina. Mr. Gibbons provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

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

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

Mr. Gibbons reported that he has made $777 in campaign expenditures for printing, postage, and a web page.

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

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

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

Mr. Gibbons reported that he has taught the following law-related courses:
The South Carolina Commission on Indigent Defense created the South Carolina Indigent Defense Academy in 2014. I am a founding member of the faculty. The courses include PD 101, PD 102, and PD 103. Each

course lasts for two and a half days. This training is done over three chambers weeks each year and is mandatory for new defenders.
My instruction assignments are:

(a) PD 101 – Holistic Defense, Client and Family Relationships, and Initial Contact with Clients.
(b) PD 102 – Cross-Examination Planning and Techniques, I also serve as a group leader to review and critique the students on all PD 102 exercises. This session includes Case Theme and Strategy, Opening Argument, Direct Examination, Cross-Examination, and Closings.
(c) PD 103 – Group leader for reviewing critiquing and coaching the students on all topics covered in PD 103. This session includes Advanced Cross-Examination, Exhibits, Experts, Evidence, Impeachment, and Pre-Trial Motions.

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

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

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

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

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

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

Mr. Gibbons reported the following regarding a public office held:
I do not believe Circuit Public Defender is considered a public office. However, if it is one, I have served in that capacity from July 9, 2008 until present.

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

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

(8) Experience:
Mr. Gibbons was admitted to the South Carolina Bar in 1991.

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

(a) 1991-1993: Assistant Solicitor, Second Judicial Circuit, assigned to Barnwell and Bamberg Counties.
(b) 1993-1995: Deputy Solicitor, Second Judicial Circuit, violent crime, and sex crime prosecutor for the entire circuit.
(c) 1995-2008: Deputy Solicitor, Second Judicial Circuit, teaching, hiring, and training of attorneys, above caseload in the entire circuit, co-counsel on seven capital prosecutions.
(d) 2008-Present: Circuit Public Defender, Second Judicial Circuit. Manage and negotiate office budgets on state, county, and city levels. These routinely involve over 3 million dollars per year. I also serve as personnel manager for an office of thirteen attorneys along with thirteen support staff. I oversee and review financial audits of the operation yearly. I maintain a caseload of violent crimes, and I have defended one capital case.

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

I have been involved in the General Sessions Court in the entire Second Judicial Circuit continuously for over thirty years. I have been a prosecutor, defender, or supervising attorney for nearly every term of court. As Deputy Solicitor I was responsible for creating trial rosters and dockets and supervising and assisting other attorneys on their cases. I did this while also carrying a full caseload myself. I have worked closely with violent crime victims and helped them navigate the criminal

process. I have cultivated and maintained close working relationships with law enforcement and court personnel. As a young prosecutor, I routinely tried ten to twelve jury trials per year. These cases ranged from minor offenses up to death penalty cases. In 2008 I was approached by local attorneys and encouraged to seek the position of Circuit Public Defender. I have now held this position for over fifteen years. I have carried a caseload my entire tenure. I handle at least five matters during each term of court. Our circuit has at least twenty terms of General Sessions Court per year. I have defended everything from minor offenses up to a death penalty defense. I routinely serve as co-counsel with new attorneys when they try serious cases.

State v. Dahkir Anderson, murder trial July 10, 2023; (2022-GS-02-00569)
Mr. Anderson was tried for murder, trafficking meth, kidnapping, and other charges. He was alleged to have abducted the victim along with four co-defendants. Evidence was produced that indicated they took him at gunpoint, tied his hands, and drove around Aiken County looking for a dog he stole from Mr. Anderson. Mr. Anderson admitted to assaulting the victim but denied the murder. He went to trial as the sole defendant in the case. The medical examiner testified that death was the result of homicidal beating. The body was burned at some point, but the examiner could not testify if it was before or after death. There were several issues associated with this trial. There was a horrendous seven-second video of the victim gasping for breath on the ground with a pistol stuck to his chin. There were also gruesome photos of the burned body being taken from a shallow grave. The jury returned a guilty verdict on Murder and Kidnapping, but was unable to reach a unanimous verdict on the drug and weapon charges. Mr. Anderson was given a life sentence.

State v. Marcus Turner, murder trial December 5, 2018; (2018-GS-02-00440)
This case involved a charge of Murder and Robbery. Mr. Turner, along with two co-defendants, called a cab for a ride home. The cab driver and his girlfriend responded to the request. Upon arriving the passengers exited the vehicle and refused to pay the fare. An argument ensued and the elderly cab driver was struck in the head by the defendant. The other two men then reached in and took items from the driver and the passenger. The cab driver then fled the scene. The following day, the victim had some issues and sought medical attention. He was found to have a subdural hematoma and was rushed into surgery. After surgery,

he lapsed into a coma. Approximately a month later he died in the hospital. This case was complicated by the fact that the victim suffered a fall shortly before this incident and did injure his head. Medical experts were consulted, and the proximate cause of death was somewhat unclear. We proceeded to trial and during the course of the trial, the state approached me with a plea offer. Mr. Turner elected to plead guilty to voluntary manslaughter. This case was a prime example of so many legal disputes. As attorneys we must learn, study, and come to understand a wide variety of information. I had to give myself a crash course on brain injuries and the associated medical terms and processes. I believe this will be similar to my experiences as a judge in dealing with the myriad of legal issues associated with civil and criminal matters.

State v. Denzil Jordan, burglary 1st, kidnapping, armed robbery, A&B 1st August 9, 2018; (2018GS0200083)
Mr. Jordan was tried on the above charges. The allegations were that he, along with co-defendants, entered the victim's residence, tied him up, pistol-whipped him, and forced him to turn over his debit cards and PINs. They then held him there while a co-defendant went and withdrew funds and made purchases ensuring that they had been given the correct PIN. Entry was made into his residence after a female co-defendant, who went to school with the victim, convinced the victim that she was romantically interested in him. The female let her compatriots into the residence when the victim was out of the room. There were the usual technicalities associated with a multiple-defendant trial. The female defendant became a witness for the state. The defendant was convicted and received a sentence of twenty-five years to run concurrently.

In the civil realm, my experience consists of civil matters ancillary to the criminal system. I have dealt with PCR issues and have always reviewed the civil process and paperwork associated with these cases. As a young prosecutor, I argued appeals to the circuit court which had civil procedure aspects. During that time, I spent a short stint doing civil drug forfeiture actions and bond estreatments which have civil components. Our circuit jurists have always scheduled civil motions and hearings during criminal court. I have watched hundreds of these matters over my three decades in court. I am sure I will have much to learn and adapt to as I deal with civil cases. However, part of being a trial lawyer is being a fast study of new and unfamiliar material. I am confident that with hard work and determination, I can get up to speed quickly. I will also try to cultivate relationships with more experienced judges who can act as

mentors when I need them. I plan on utilizing civil CLE courses whenever possible to further my assimilation.

Mr. Gibbons reported the frequency of his court appearances during the past five years as follows:
(a) Federal: 0%;
(b) State: Over twenty terms every year, approximately five matters per term.

Mr. Gibbons 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: 100%;
(c) Domestic: 0%;
(d) Other: 0%.

Mr. Gibbons reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial:85 %.
(b) Number of cases that went to trial and resulted in a verdict: 5 %.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 5 % (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.
(d) Number of cases settled after jury selection but prior to opening statements: 5 %.

Mr. Gibbons provided the following regarding his role as counsel during the past five years:
In my office we don't try cases solo. Most often I was co-counsel training younger attorneys. I was often chief counsel on cases but selected less experienced attorneys to serve as co-counsel as a means of helping them learn.

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

(a) State v. Joshua Jones, 2012-GS-02-01854 (no appeal or PCR action was filed)

This was a capital murder case. The defendant killed his pregnant girlfriend in her bed in Georgia, he then took his father's car and fled to

Aiken, South Carolina. He was parked in a parking space in a neighborhood park in the middle of the night. A neighbor reported a suspicious vehicle to law enforcement. An officer responded to check on the vehicle. When the officer approached Mr. Jones, he shot and killed her. A high-speed chase ensued when her backup officers responded. Mr. Jones eluded the officers but was arrested without incident when he was located at a relative's home. At the bond hearing on this case, Mr. Jones entered the courtroom gnashing his teeth and growling. He was somewhat unresponsive to the court's questions. This hearing was aired by local television stations and quickly went viral. I was appointed to represent Mr. Jones. We immediately arranged for a private mental evaluation to be performed by a renowned psychiatric expert. We also performed an exhaustive social, mental, and family background. Although this was clearly the murder of a law enforcement officer, we were able to establish that Mr. Jones was suffering from acute schizophrenia at the time of the offense. We found a family history of mental conditions going back generations. Based on these findings the state agreed not to seek a death sentence and Mr. Jones was found guilty but mentally ill and was given a life sentence. This case confirmed my belief that it is extremely important to actively work on every case as soon as possible.

(b) State v. Marcus Turner, 2018-GS-02-00440

This case involved a charge of Murder and Robbery. Mr. Turner, along with two co-defendants, called a cab for a ride home. The cab driver and his girlfriend responded to the request. Upon arriving the passengers exited the vehicle and refused to pay the fare. An argument ensued and the elderly cab driver was struck in the head by the defendant. The other two men then reached in and took items from the driver and the passenger. The cab driver then fled the scene. The following day the victim was having some issues and decided to seek medical attention. He was found to have a subdural hematoma and was rushed into surgery. After surgery, he lapsed into a coma. Approximately a month later he died in the hospital. This case was complicated by the fact that the victim suffered a fall shortly before this incident and did injure his head. Medical experts were consulted, and the proximate cause of death was somewhat unclear. We proceeded to trial and during the trial, the state approached me with a plea offer. Mr. Turner elected to plead guilty to voluntary manslaughter. This case was a prime example of so many legal disputes. As attorneys we must learn, study, and come to understand a wide variety of information. I had to give myself a crash course on brain injuries and the associated medical terms and processes. I believe this

will be similar to my experiences as a judge in dealing with the myriad of legal issues associated with civil and criminal matters.

(c) State v. Clarence Ashby, 1979-GS-02-00268

On May 6, 1979, Clarence Ashby, who was seventeen years of age at the time, robbed an elderly gentleman. His co-defendant, who was nineteen years of age, shot and killed the victim. On July 11, 1979, the pair entered a plea of guilty and were sentenced to life for the murder and a consecutive twenty-five years for armed robbery. At the time of sentencing, murder convictions allowed for parole eligibility after the service of twenty years. If parole was granted it would remain for the defendant's remaining life. Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (SC 2014), was decided and provided a possible resentencing for any defendant who received a life without parole sentence while under the age of eighteen. Mr. Ashby filed for relief. I was appointed to address his motion. The law was clear that he could not obtain relief under the current case law. I joined other attorneys who were attempting to argue that Mr. Ashby, along with similarly precluded persons, had received a de facto life without parole sentence, and should be granted similar relief. This was not a probable remedy. As an alternative, I also started creating a history of Mr. Ashby's situation. I was very surprised to see that this case was pled to a life sentence barely over two months after the incident in question. Mr. Ashby was sent to maximum security prison at the age of seventeen. He described the horrors associated with the early years of his incarceration. He also informed me that he had contracted AIDS. I was able to track down the victim's daughter. I called and spoke with her by phone. She told me that their family had never been contacted when the case went to court. They found out about the sentence much later. They never heard any details of the crime, nor any details about the sentence itself. Nor had they ever been contacted about prior parole requests or hearings. When I shared the details of Mr. Ashby's involvement, and the details of his life while serving the thirty-seven years of his incarceration, the daughter was graciously in agreement that he should be paroled. I filed the appropriate documents and was able to get Mr. Ashby released on parole. This was one of the most satisfying cases of my career. Had Mr. Ashby not filed his ineffective motion, we never would have met, and he would likely still be incarcerated.

(d) State v. Scott Merkerison, 2011-GS-02-01651

Mr. Merkerison went to trial for the offenses of kidnapping, criminal sexual conduct first degree, and attempted murder. He was accused of kidnapping, raping, and assaulting his girlfriend's daughter. The daughter was an adult. On the night in question, the victim alleged that

she went to the defendant's house and was watching a movie with him. She claimed he forced her to perform oral sex. She indicated that she bit his penis causing a cut and also lodging some of his skin in her teeth. She then said he vaginally raped her twice immediately after the bite. She showed broken blood vessels in her eyes and bruising on her neck. Before trial, I met with the investigating officer and reviewed some glaring problems with the victim's statement. I shared my investigator's findings about a huge fight going on between the victim's mother and the defendant. It appeared this may have been a planned event to harm the defendant. He felt that he needed to interview her again due to issues he had with the allegations. He decided to re-interview the victim. Before he could meet with her, he got a call from the prosecutor on the case forbidding him from having any contact with the victim. These facts came out during cross-examination. Other facts caused serious doubts about the prior statement. I strongly urged my client not to testify. I told him that I thought her credibility had been thoroughly shredded. He insisted on testifying. He described the event and indicated that he did grab the woman around the neck when she refused to let go of his penis. He also said after she finally let go, he restrained her for a few seconds. The jury returned a verdict of guilty on the kidnapping charge, and not guilty of the other offenses. I argued at sentencing that the jury had found that this was not a sexually related kidnapping event. The judge agreed and gave the defendant seven years and did not require sex offender registration. Jurors were approached after the trial and indicated that they only found him guilty of the kidnapping because he said he did not immediately release the woman after she let go of him. My client said he was at peace because he just wanted the truth to be told.

(e) State v. Wise, 359 S.C. 14, 596 S.E.2d 475, 2004 S.C. LEXIS 112

This was a death penalty trial after Hastings Wise, a disgruntled employee, entered a manufacturing plant and opened fire on employees and security personnel. Hastings Arthur Wise was convicted of four counts of murder, three counts of assault and battery with intent to kill, one count of second-degree burglary, and four counts of possession of a weapon during the commission of a violent crime. The jury found two aggravating circumstances: a murder was committed during the commission of a burglary, and two or more persons were murdered by one act or pursuant to one scheme or course of conduct. The appellant was sentenced to death on the jury's recommendation for each count of murder, twenty years consecutive on each count of assault and battery with intent to kill, fifteen years concurrent for burglary, and five years

concurrent on each weapon possession conviction. I was co-counsel to the elected solicitor on this trial. Mr. Wise was represented by two very capable attorneys who made every effort to defend him. Venue was changed from Aiken, SC to Beaufort, SC, numerous motions were filed and argued, and the case went to trial. Throughout the process, Mr. Wise refused to allow his counsel to use defenses or arguments they desired to employ. He refused to allow them to speak with his family, or to address any mental issues. Following his conviction, Mr. Wise attempted to waive all appeals and proceed with execution. What impressed me about this case was the example I saw of defense attorneys continuing to ably defend and represent a client in a horrible situation, who was continuously working against their efforts. These attorneys remained

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

Mr. Gibbons further reported the following regarding unsuccessful candidacies:
Yes, Circuit Judge 2023. I was found Well Qualified, and I withdrew on the day of the election.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Gibbons "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee noted: "Civil experience '0'. Concerned!"

Mr. Gibbons is married to Bonnie Carol Bass Gibbons. He has four children.

Mr. Gibbons reported that he was a member of the following Bar and professional associations:
((a) South Carolina Bar - member
(b) National Association of Criminal Defense Lawyers – member
(c) South Carolina Association of Criminal Defense Lawyers - member

(d) South Carolina Association of Justice – member
(e) Aiken County Bar Association - member

Mr. Gibbons provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Southern Wolves Wrestling Club – Volunteer Assistant Coach 2020 to present.

Mr. Gibbons further reported:

I began my legal career as a young husband and father. I took a position with the Second Judicial Circuit Solicitors Office and was asked to work in Bamberg and Barnwell counties. I was determined to give this position every effort. There had never been a prosecutor who actually lived in Barnwell or Bamberg, so I decided that I would move my small family to Barnwell County and live in the community that I was going to serve.

I cherish the eight years that I lived and worked in Barnwell. I was a one-man operation, so I learned every facet of the criminal system. I formed lasting relationships with law enforcement and the local community that continue to this day. I had the opportunity to prepare and try a very large number of serious cases early in my career. In the first few years of my tenure, I tried several murder cases.

After a few years of being the sole attorney, another prosecutor was assigned to the Barnwell office. There had been some turnover in the Aiken office, and I was asked to assume responsibilities in all three counties. I had successfully prosecuted a number of child sexual abuse cases in the satellite counties, and I was asked to be the sex crime prosecutor for the circuit in addition to my violent crime caseload. At that time, I was promoted to Deputy Solicitor.

During the 1990s our Circuit had a string of death penalty crimes. I assisted our elected Solicitor as co-counsel on seven capital cases. As more and more of my responsibilities moved to Aiken, I decided to relocate my family. However, I continued to run the satellite office and carry caseloads in all three counties.

Another opportunity presented itself during this time. A horrific murder and robbery occurred in Denmark, South Carolina. Investigation revealed that the persons responsible had ties to a drug ring the federal

government was pursuing. I was designated as a Special Assistant United States attorney. I was co-counsel in the federal murder trial of the four defendants involved in the murder. This gave me a chance to experience how different the federal court system is regarding resources and caseloads.

In 2007 the Circuit Public Defender legislation was enacted. I was approached by local bar members about applying for this position. I enjoyed my job as a prosecutor, and I enjoyed working with everyone in the system. After much contemplation and many prayers, I decided to apply for Circuit Public Defender.

I felt that the existing system was severely broken and that I could organize the office and bring a higher sense of professionalism to the operation. Some of the accomplishments that I have made in my current position are:

(a) I created teams within the office so most conflict cases could stay in the office, rather than being assigned to private attorneys;
(b) I designated an attorney to work solely in the juvenile court, alleviating the conflict of being required to be in two courts at once;
(c) I worked closely with county officials to bring public defender salaries more in line with solicitor salaries;
(d) I was eventually able to convert our case management system to a nearly paperless operation;
(e) My office has one of the lowest attorney turnover rates in the state;
(f) My office has one of the best county funding ratios in the state.

Work has always been a very important part of my life. My parents encouraged me to work in many different fields starting at a very young age. I learned how to work hard and how to work with people from all walks of life. These jobs included the following:

(a) Surveyor's Assistant for a Mining Engineer - We surveyed property borders for uranium mining claims.

(b) Lab Assistant at a Medical Clinic - Developed X-rays, prepared specimens for testing, and assembled and sterilized medical instruments.
(c) Laborer for a Fence Building Company - Prepared sites and built residential fences.
(d) Rig Worker for a Commercial Drilling Company - We drilled test holes to map uranium deposits for miners.
(e) Explosives Crew Member for Uranium Processing Mill - I set explosive charges used to excavate a 10-acre retaining reservoir for liquid waste.

Integrity:

There are also things that I have not experienced. I think they are important considerations regarding my career.

(a) I have never been sued in state or federal court by either a defendant I was prosecuting or a client.
(b) I have never had a case overturned on Post Conviction Relief.
(c) I had cases overturned on appeal due to evolving legal issues, but never for inappropriate actions, words, or conduct on my part.
(d) I have never been censured or admonished by any court. My conduct has never been questioned.
(e) My conduct has never been questioned by any legal watchdog groups such as the ACLU or NAACP.

Demeanor:

As Deputy Solicitor and as Circuit Public Defender, I worked with many past and present judges. I quickly learned that they all do things a little differently. I gained a unique perspective on their different policies and personalities. I learned by observation what techniques worked best and what practices created problems.

I have observed judges who were respectful yet firm, and judges who did what needed to be done, even when it was not easy. I have also witnessed judges who were fair and courteous to everyone in the system and yet upheld the decorum and respect their courtroom deserved while meting out justice accordingly. Unfortunately, I have experienced opposite behaviors as well.

I believe that my work history, my life experience, and my personal demeanor would make me an effective, efficient, and productive jurist.

(11) Commission Members' Comments:
The Commission commented that Mr. Gibbons has a great amount of experience with criminal law and would make a good Circuit Court judge.

(12) Conclusion:
The Commission found Mr. Gibbons qualified, and nominated him for election to Circuit Court, At-Large, Seat 7.

William Vickery "Vick" Meetze
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Meetze was born in 1968. He is 56 years old and a resident of Marion, South Carolina. Mr. Meetze provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

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

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

Mr. Meetze reported that he has made $220.99 in campaign expenditures for a name badge, cards, stamps, envelopes and copy paper.

Mr. Meetze testified he has not:
(a) sought or received the pledge of any legislator prior to screening;

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

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

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

Mr. Meetze reported that he has taught the following law-related courses: I have taught the Law School at Palmetto Boys State for the past twenty-one years.

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

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

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

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

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

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

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

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

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

(8) Experience:
Mr. Meetze was admitted to the South Carolina Bar in 1999.

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

(a) Judicial Law Clerk for the Honorable James E. Brogdon, Jr.
During the year that I clerked for Judge Brogdon, he was Chief Administrative Judge in both the Twelfth Judicial Circuit and the Third Judicial Circuit. I was able to research many issues involving both General Sessions and Common Pleas. I was able to see many trials from each branch. Also, Judge Brogdon was assigned two complex litigation civil cases while I clerked for him and that provided valuable experience in dealing with pre-trial matters such as discovery issues and summary judgment motions.

(b) Assistant Solicitor Sixteenth Judicial Circuit, York County
I prosecuted a variety of criminal cases for just under three years. I handled both felony and misdemeanor cases. Began trying cases early on and served as lead attorney from the start.

(c) Assistant Public Defender Sixteenth Judicial Circuit, York County
I began my career as a criminal defense lawyer in June of 2002. I worked in that office for a little more than four years. In that job I represented criminal defendants charged with all manner of offenses from misdemeanors to murder cases. I served as lead counsel in many cases and I also helped other lawyers with their cases when necessary. During my time in the Sixteenth Judicial Circuit Public defender Office, we were fortunate to have many experienced attorneys to work with and gain experience from.

(d) Assistant Public Defender Twelfth Judicial Circuit, Florence County
My job responsibilities were the same in the Twelfth Judicial Circuit as they had been in the Sixteenth Judicial Circuit.

(e) Assistant Public Defender Twelfth Judicial Circuit, Florence & Marion County
In the fall of 2011 my responsibilities expanded to where I worked as a public defender in both counties of the Twelfth Judicial Circuit. That

meant more cases, more trials and more time in court in general. It was at that time that was appointed lead counsel on a death penalty case.

(f) Deputy Public Defender for the Twelfth Judicial Circuit

In August of 2014 I was promoted to Deputy Public Defender for the Twelfth Judicial Circuit. I still have the same kind of case load but have also taken on some administrative duties and working with and advising younger attorneys in our office.

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

I have been practicing criminal law in General Sessions Court since August of 1999. I was a prosecutor in the Sixteenth Judicial Circuit for a little under three years and during that time I prosecuted individuals charged with non-drug related criminal offenses that carried a penalty of up to fifteen years in prison. In June of 2002 I began work as an Assistant Public Defender in York County. As an Assistant Public Defender I represent indigent defendants charged with anything from lower level misdemeanors all the way up to armed robbery, burglary first degree and murder. In 2006, I was given an opportunity to come back home and work in the Twelfth Judicial Circuit. I accepted a position in the Florence County Public Defender's. In 2011 I expanded my responsibilities by also serving as a public defender for Marion County and I have served both Florence and Marion Counties in that capacity since that time. In 2014 I was promoted to the position of Deputy Public Defender for the Twelfth Judicial Circuit and I have served continuously in that capacity for the past six years. I have continued defending indigent defendants charged with all types of offenses; however; I have a much larger concentration of A, B, and C felonies at this point. I have defended people in cases involving all levels of criminal activity including major drug trafficking, criminal sexual conduct and murder.

My civil experience from a practical standpoint has been through my involvement in post-conviction relief matters. As a criminal defense lawyer in a public defender’s office I have been involved in a number of those hearings in the past five years. As a Judicial Law Clerk, I helped my judge with a number of civil cases including complex litigation cases and observed a number of jury trials. I Also, as a trial attorney I am very familiar with the rules of evidence which are applicable to both branches of Circuit Court. Other than that I have taken two viewed two CLE’s, one on E-Discovery and the other being the 2016 Tort Law Update. I have also viewed a civil trial from start to finish and have worked hard

studying the Rules of Civil Procedure. I have also served as Co-Dean of the law school at Palmetto Boys State for the past eighteen years where the instruction includes civil court matters.

I have appeared in front of a Circuit Court Judge for every term of General Sessions Court held in the Twelfth Judicial Circuit for the past five years. The only exception would be times where I had a vacation scheduled during a term of court.

Mr. Meetze reported the frequency of his court appearances during the past five years as follows:
(a) Federal: federal: I have not appeared in Federal Court any during the past five years.
(b) State: I have appeared in General Sessions Court at least twenty-six weeks a year for the past five years.

Mr. Meetze reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) civil: Zero percent
(b) criminal: One hundred percent
(c) domestic: Zero percent
(d) other: Zero percent

Mr. Meetze reported the percentage of his practice in trial court during the past five years as follows:
During the past five years
I have handled over one thousand cases during that time frame. Our office case management system won't let you look cases up by disposition so these numbers may not be exact but should be close.
(a) What percentage of your practice was in trial court, including cases that settled prior to trial? Ninety-five percent
(b) What number of cases went to trial and resulted in a verdict? Five percent
(c) What number of cases went to trial and resolved after the plaintiff's or State's case? (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc) None
(d) What number of your cases settled after a jury was selected but prior to opening statements? Two

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

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

(a) State v. Syllester D. Taylor (736 S.E. 2d 663, 2013): I handled this case at the trial level. It was trial in absence where I preserved all motions and eventually the conviction was reversed by the Court of Appeals. (694 S.E. 2d 60, 2010) The Supreme Court subsequently reversed the Court of Appeals in the above referenced site. However, even though Mr. Taylor eventually lost his appeal in the Supreme Court by a 3-2 decision, this case is an example of our legal system at work and even though Mr. Taylor was absent from his trial he was represented effectively and was not denied any opportunity or due process of law in spite of his absence.

(b) State v. Tavario Brunson: This was a very high profile case in Florence County that I tried along with another attorney. The evidence against Mr. Brunson was quite overwhelming to include a recorded confession and a positive DNA match. Mr. Brunson was convicted of murder and that result was never really in question. I believe this is an important case because it is an example of our Constitution at work. Mr. Brunson exercised his right to a Jury trial and even though the evidence was overwhelming he was provided an excellent defense and to this day I believe it is one of the most well tried cases that I have had the opportunity to be involved.

(c) State v. Montez Barker : This is a death penalty case in which I was appointed lead counsel. It is important by the nature of the offense and the fact that a man's life was literally on the line. Death Penalty cases take an extreme amount of work and dedication. You are working as a team with another attorney that has been appointed as second chair as well as fact and mitigation investigators not to mention my client's family was heavily involved as well. We were able to work hard and in the end were able to spare Mr. Barker's life by negotiating a plea for him where he would not face the death penalty. It takes a lot of work and relationship building to get a capital client to trust you enough to eventually agree that pleading guilty where you will be receiving a life sentence is in his best interest. That is what

happened in this case and it is one of the most satisfying results I have ever had in a case.

(d) State v. Tyquan Jamar Johnson: This was a case in Florence County that was tried in December of 2018. Mr. Johnson was charged with murder. This was a case where my client maintained his innocence throughout this process. The State had made what I considered a very favorable offer to Mr. Johnson and I advised him that it would be in his best interest to take the offer. He stood his ground and said he didn't do it and he wouldn't plead guilty to something he didn't do. At trial another attorney in my office made our opening statement and I examined all of the witnesses, did the closing argument and made all motions. Mr. Johnson was found not guilty in the face of an eye witness who identified Mr. Johnson as the shooter. Mr. Johnson's cell phone was recovered within a few feet of the deceased. I new that I had worked hard on the case and that I was prepared and could try a great case; however, in our humbling business that doesn't guarantee a favorable result. There were no lessor included offenses charged to the jury so it was all or nothing once the jury got the case. The jury returned a verdict of not guilty. I believe this case is significant because it is an example why it is the client's decision as to whether or not to plead or go to trial. Had Mr. Johnson taken my advice, he would be in prison for a considerable length of time. Even when I was advising him that he should take his deal, I also made sure I reiterated that it is his decision and not mine. Many times clients don't stand their ground. Mr. Johnson did and it worked in his favor.

(e) State v. Calvin Jermaine Pompey Unpublished Opinion Number 2015-UP-280:

This was a case where Mr. Pompey was charged with murder in a shooting outside of a night club in Marion, SC. There had been an altercation inside he club and Mr. Pompey and the people he came with left and went to their car. An individual from the club who was involved in the altercation ran towards Mr. Pompey's vehicle and appeared to be reaching under his shirt giving the appearance of reaching for a weapon. Mr. Pompey was sitting in the passenger seat but had not had the opportunity to close the door. The deceased began entering the car to attack Mr. Pompey. Mr. Pompey got a hand gun out of the glove compartment of the car and fired one shot, killing the individual. I made a motion to dismiss based under the Protection of Persons and Property

Act. A hearing was held before The Honorable D. Craig Brown and Judge Brown found that Mr. Pompey was justified in his actions and that the state was barred from prosecuting him pursuant to the act. The state appealed and the Court of Appeals upheld Judge Brown's ruling in the above referenced unpublished opinion.

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

Mr. Meetze further reported the following regarding unsuccessful candidacies:

(a) Candidate for Twelfth Judicial Circuit Public Defender, January 2008

I was not nominated for the position.

(b) Candidate for Twelfth Judicial Circuit Public Defender, December 2011

I was not nominated for the position

(c) Candidate for Judge, Circuit Court At-Large, Seat 16, fall of 2012

Qualified but not nominated.

(d) Candidate for Judge, Circuit Court At-Large, Seat 9, fall of 2014

Qualified but not nominated.

(e) Candidate for Judge, Circuit Court, At-Large, Seat 10, fall of 2015

Withdrew.

(f) Candidate for Judge, Circuit Court At-Large, Seat 1, fall of 2016

Qualified but not nominated.

(g) Candidate for Judge, Circuit Court At-Large, Seat 13, fall of 2019

Qualified but not nominated.

(h) Candidate for Judge, Circuit Court At-Large, Seat 12, fall of 2020

Qualified but not nominated.

(i) Candidate for Judge, Family Court Twelfth Judicial Circuit, Seat 3, fall of 2021

Withdrew.

(j) Candidate for Judge, Family Court Twelfth Judicial Circuit, Seat 1, fall of 2022

Withdrew.

(k) Candidate for Judge, Circuit Court, At-Large, Seat 8, fall of 2023 Qualified and nominated

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Meetze to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary remarks.

Mr. Meetze is married to Anna Braddock Meetze. He does not have any children.

Mr. Meetze reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) South Carolina Association of Criminal Defense Lawyers
(c) Public Defenders Association Board

Mr. Meetze provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) President: United Methodist Men, First United Methodist Church, Marion, SC.
(b) Member: Finance Committee, First United Methodist Church, Marion, SC.
(c) Member of the Trustees, First United Methodist Church, Marion, SC.
(d) Member of the Church Counsel, First United Methodist Church, Marion, SC.

Mr. Meetze further reported:
I grew up in a very supportive family and was fortunate to associate myself with friends that served as very positive influences. These influences from my friends and family played a significant role in shaping me as a person. They have taught me patience, respect and have instilled in me a tremendous work ethic. Most important, these

influences and role models from my parents and family as well as friends both inside and out of the legal profession, taught me how to treat people and have instilled in me a tremendous sense of fairness. I have always believed that the best judges are the ones that treat people with respect and display the proper temperament for the job. I truly believe that these are the qualities that best lend themselves to effective judicial service. If I were to be elected, I would be the kind of judge that worked hard, made decisions on a timely basis and treat everyone that either appeared before me or worked in the court system with the respect they all deserve.

(11) Commission Members' Comments:
The Commission noted that Mr. Meetze is a very respected attorney and that his judicial temperament was noteworthy. When discussing his civil experience, the Commission noted that he has taken steps to help increase his knowledge in civil matters.

(12) Conclusion:
The Commission found Mr. Meetze qualified, and nominated him for election to Circuit Court, At-Large, Seat 7.

Jane H. Merrill
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED AND NOMINATED

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

Ms. Merrill was born in 1980. She is 44 years old and a resident of Greenwood, South Carolina. Ms. Merrill provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

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

Ms. Merrill demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges,

particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Merrill reported that she has made $1,144.07 in campaign expenditures for name badges, envelopes and mailing labels, stationery, and postage.

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

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

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

Ms. Merrill reported that she has taught the following law-related courses:
(a) On March 3, 2011, the Anderson County Sherriff's Department offered a training class for law enforcement officers about Large Animal Cruelty Investigations. I taught the section about criminal investigations and statutes.
(b) On January 10, 2014, I taught a section of a probate CLE presented by the Greenwood County Bar.
(c) On November 10, 2014, I taught the Criminal Law and Torts section for the South Carolina Bar's program, Legal Lessons: A Series for the Public.
(d) On March 10, 2020, I spoke to the Clemson University Prelaw Society about balancing life, work, and other obligations.
(e) On February 10, 2023, D. Nichole Davis and I presented "An Ounce of Prevention is Worth a Pound of Cure: Utilizing Mentoring to Elevate Professionalism" for the ethics hour of the Greenville County End of Year CLE.
I taught the following 300-level courses at Lander University.
(f) From August to December 2018, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers

for the class. The students enjoyed learning about the South Carolina courts from current jurists.
(g) From January to May 2019, I taught Civil Rights and Civil Liberties at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, students present oral arguments of pending US Supreme Court cases.
(h) From August to December 2019, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers for the class. The students enjoyed learning about the South Carolina courts from current jurists.
(i)From January to May 2020, I taught Civil Rights and Civil Liberties at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, the students present oral arguments of pending US Supreme Court cases.
(j)From August to December 2020, I taught Constitutional Law at Lander University. The class met for one hour and fifteen minutes two times per week. The students wrote opinion essays and made presentations about recent legal events, including recent US Supreme Court opinions.
(k) From January to May 2021, I taught Judicial Process at Lander University. The class met for one hour and fifteen minutes two times per week. During this course, three different judges served as guest lecturers for the class. The students enjoyed learning about the South Carolina courts from current jurists, including a South Carolina Court of Appeals Judge.
(l)From August to December 2021, I taught Constitutional Law at Lander University. The class met for one hour and fifteen minutes two times per week. The students wrote opinion essays and made presentations about recent legal events, including recent US Supreme Court opinions.

Ms. Merrill reported that she has published the following:
(a) Jane Hawthorne Merrill, Comment, Multijurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. Rev. 549 (2006).

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

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

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

(5) Reputation:
Ms. Merrill reported that her rating by a legal rating organization, Avvo, is 7.8.

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

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

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

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

(8) Experience:
Ms. Merrill was admitted to the South Carolina Bar in 2007.

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

(a) From November 2007 until December 2007, I served as an Assistant Solicitor in the Eighth Judicial Circuit in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.

(b) From January 2008 to August 2008, I served as a Judicial Law Clerk for The (Late) Honorable Wyatt T. Saunders, Jr., a Circuit Court Judge for the Eighth Judicial Circuit. Being a judicial law clerk provided invaluable experience in developing and honing my legal skills.

(c) From August 2008 until June 2010, I served as an Assistant Solicitor in the Eighth Judicial Circuit in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.

(d) From July 2010 until February 2013, I worked as an associate attorney on the litigation team at McDonald Patrick Poston Hemphill & Roper, LLC. Most of my practice involved civil litigation matters, including drafting pleadings, engaging in discovery, preparing motions and memoranda, and trying cases to juries. A small portion of my practice involved domestic and criminal matters. I was not involved in the administrative and financial management at this firm.

(e) From March 2013 to the present, I have practiced law as a solo practitioner in my own firm, Hawthorne Merrill Law, LLC. I manage all aspects of cases and claims, from intake and case evaluation to resolution, in civil, criminal, domestic, and other matters. In 2016, I became certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I mediate cases that are pending in the circuit court, as well as some family court cases with the consent of the parties. I represented veterans before the Court of Appeals for Veterans Claims. Since September 2020, I have represented indigent clients in Abbeville County through a contract with the Eighth Circuit Public Defender's office. I am solely responsible for the administrative and financial management of the firm. I comply with the rules requiring attorneys to maintain monthly trial balances and reconciliations of client trust accounts.

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

I am uniquely qualified to be a Circuit Court judge. I have tried cases to juries as a criminal prosecutor, a criminal defense attorney, and a civil litigator representing both plaintiffs and defendants. The depth, breadth, and variety of my experience in the courtroom provides a strong foundation for the role of Circuit Court Judge. I regularly appear before

Circuit Court Judges, including every day on numerous matters during Abbeville County general sessions terms.

In addition to my litigation experience, I was honored to serve as a judicial law clerk for The (Late) Honorable Wyatt T. Saunders from January 2008 to August 2008. My clerkship with Circuit Court Judge Saunders offered yet another perspective from which to learn and gain experience. While my primary responsibilities included researching and writing, I also observed numerous criminal and civil court proceedings. A summary of my experience in criminal and civil matters follows.

Criminal Experience

I had the good fortune to begin my legal career as an Assistant Solicitor in the Eighth Judicial Circuit. In that position, I was involved in all aspects of managing a large caseload, including case and discovery review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials as lead counsel and second chair. I worked on a variety of misdemeanor and felony charges, including armed robberies, kidnappings, burglaries, drug trafficking, child abuse, and animal abuse. Additionally, I communicated with victims, law enforcement officers, and witnesses. I found working with victims particularly meaningful. Even though each victim of a crime reacts and responds differently to their own experience, every victim needs the chance to be heard. Listening is an important part of being an effective attorney. Being a prosecutor provided significant and meaningful opportunities to gain courtroom experience.

Although I found it rewarding to serve as an assistant solicitor, I wanted to practice in other areas. In July 2010, I began working for a law firm as an associate attorney on the litigation team which primarily focused on civil litigation which is described in the Civil Experience section below.

In March 2013, I opened Hawthorne Merrill Law, LLC. At various times since opening my firm, I have participated in the Rule 608 Contract program and represented defendants on both appointed and retained cases. Defending a criminal case presents different challenges than prosecuting one. It is imperative to communicate effectively with your client and earn your client's trust. Discovery is also reviewed from a different perspective as a defense attorney. For example, I analyze reports, warrants, indictments, statements, and evidence to develop issues affecting my client's constitutional rights, such as search and seizure, exigent circumstances, voluntariness of client's statement, Miranda protocol, immunity and privilege, and hearsay.

I have tried several serious criminal cases to juries, including murder, armed robbery, kidnapping, drug trafficking, and burglary. I tried a murder case as lead counsel in 2015 when the jury acquitted my client and tried another murder case as sole counsel in 2016 when the jury convicted my client of the lesser included offense of involuntary manslaughter. In August 2021, a jury found my client guilty of domestic violence, third degree after acquitting her of domestic violence, high and aggravated. In February 2024, a jury acquitted my client of a larceny, which carried up to ten years had he been convicted.

Knowing, understanding, and applying procedural and substantive criminal law is essential to effectively trying criminal cases. I understand the obligations of a solicitor being a minister of justice and the obligations of the defense attorney zealously advocating for the client. Being on both sides of the courtroom provides a unique and informative perspective for a Circuit Court Judge.

Civil Experience

In July 2010, I began working for McDonald Patrick Poston Hemphill & Roper, LLC, as an associate attorney on the litigation team. I litigated civil matters in both state and federal courts, primarily representing defendants. After opening Hawthorne Merrill Law, LLC in March 2013, I've represented plaintiffs more often than defendants, and most of my caseload is in state court, though I do some work in federal courts. I also represented veterans and appeared by filings before the United States Court of Appeals for Veterans Claims.

As part of my civil litigation duties, I manage complex civil cases from intake and case evaluation to resolution. I draft and answer complaints, engage in discovery, depose parties and witnesses, prepare, and argue motions, settle suits through mediation, and try cases to juries. I collaborate effectively with expert witnesses, and assist with the preparation of expert affidavits, reports, and testimony contesting causation. I have tried several civil cases to juries, including two civil jury trials in 2024.

Since 2016, I have been certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I mediate cases pursuant to court appointments and parties' selection. During mediation, I analyze the facts and law, apply knowledge of wide range of substantive and procedural law, and assist litigating parties during settlement negotiations through the mediation process.

Ms. Merrill reported the frequency of her court appearances during the past five years as follows:
(a) Federal: I am admitted to the federal bar and appear by way of motions and filings in the District of South Carolina, and in the Court of Appeals for Veterans Claims.
(b) State: I appear in state court at least four times per week. Because the counties in the Eighth Judicial Circuit where I primarily practice do not have court every week of the year, this number is an average. Additionally, I appear before Circuit Court Judges every day on numerous matters during Abbeville County general sessions terms. This is an average for motion hearings and guilty pleas. Trials are detailed below).

Ms. Merrill reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 15%;
(b) Criminal: 55%;
(c) Domestic: 25%;
(d) Other: 5%.

Ms. Merrill reported the percentage of her practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial:
Approximately 95% of my work is litigation in trial courts. This includes criminal cases in General Sessions and Family Court and civil cases in Common Pleas and Family Court.
(b) Number of cases that went to trial and resulted in a verdict:
In the past five years, approximately 32 cases have gone to trial and resulted in a verdict. This includes criminal jury trials in General Sessions and civil jury and bench trials in Common Pleas and Family Court.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case
Approximately four cases resolved after (or during) the Plaintiff's or state's case. In the first matter, a judge in General Sessions in Abbeville County declared a mistrial during the State's case when several jurors recognized the crime scene and/or a testifying witness leaving less than twelve jurors. In the second matter, the parties settled a family court case on the third day of trial after the Plaintiff rested. In the third matter, the court dismissed the case upon a defense motion after the State called its

first witness. In the fourth matter, the court granted a directed verdict motion in favor of my client, the Defendant in a civil suit, after the Plaintiff rested.

(d) Number of cases settled after jury selection but prior to opening statements:

One case settled after the jury was selected before opening statements in Greenwood County General Sessions. The Defendant pleaded guilty after jury selection and a full day of pretrial motions, outside the jury's presence, in which the court ruled the evidence admissible.

Ms. Merrill provided the following regarding her role as counsel during the past five years:

There were several trials in which I served as chief counsel with another attorney who served as second chair.

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

(a) State v. Corey Brown, 441 S.C. 464, 894 S.E.2d 525 (2023); Indictments 2013-GS-24-1262, 1873, 1874, Circuit Court, General Sessions, Greenwood County (Trial August 2014); I represented Corey Brown in a trial in which a jury convicted him of Conspiracy, Armed Robbery, and Kidnapping. After trial, I discovered recordings of phone calls from a testifying co-defendant, Evans, regarding the State's plea offers and negotiations with Evans. The State did not disclose these negotiations to Mr. Brown and did not correct Evans' false testimony during the trial. The trial court granted a new trial, and the Court of Appeals reversed. Acknowledging "the trial judge's shock" in discovering the State failed to disclose their offer and negotiations with Evans, our state's Supreme Court unanimously reversed the Court of Appeals, holding the State's failure to disclose material evidence deprived Mr. Brown of a fair trial. 441 S.C. at 476-77, 894 S.E.2d at 531. This case was significant because our Supreme Court ensured Mr. Brown's right to a fair trial was protected and emphasized the importance of the State disclosing material evidence in criminal prosecutions.

(b) Richard Wilson, et al. v. Laura B. Willis et al., 426 S.C. 326, 827 S.E.2d 167 (2019); I represented Laurie

Williams in Circuit Court (Common Pleas), the Court of Appeals, and the Supreme Court. Ms. Williams was seriously injured in 2012 when a driver operating an SUV struck my client who was walking for exercise. The case has numerous parties and a complicated procedural history, and Ms. Williams became involved in the larger case when the SUV's driver's insurance company sued Ms. Williams in federal court. The federal case was dismissed, and the insurance company then sued her in state court. Months after filing suit against Ms. Williams in state court, the insurance company moved to compel arbitration based on an arbitration clause in a contract between the insurance company and an insurance agency. The trial court denied the motion to compel, and the insurance company appealed. The Court of Appeals reversed. Wilson v. Willis, 416 S.C. 395, 786 S.E.2d 571 (Ct. App. 2016). The Supreme Court granted certiorari, heard oral arguments (my co-counsel and I argued separately) on December 13, 2018, and reversed the Court of Appeals in its decision issued April 10, 2019. This case is significant personally because it is the first case I argued before the Supreme Court and because it addressed a unique issue related to arbitration and insurance policies that provides guidance for the wider legal community.

(c) State v. Zanquirious Hurley, Indictments 2014-GS-24-0972, 2014-GS-24-0973; Circuit Court, General Sessions, Greenwood County (Trial September 2015); Mr. Hurley, at age 17, was accused of robbing and murdering his father. I represented Mr. Hurley and served as sole counsel throughout the case except trial. For the trial, I hired another attorney to sit second chair because this was the first murder case I tried as defense counsel. I conducted the opening statement, cross examined all witnesses except one, direct examined all defense witnesses, and presented the closing argument. The jury acquitted Mr. Hurley on all charges. This case was significant because after conducting an extensive investigation, including interviewing numerous witnesses no one else interviewed, I was firmly

convinced of my client's innocence. As such, the jury's verdict was the proper result. Mr. Hurley and his family appreciated my dedication and diligence in representing him.

(d) State v. Jerome Chisholm, 395 S.C. 259, 717 S.E.2d 614 (Ct. App. 2011); Indictment 2005-GS-24-01386; Circuit Court, General Sessions, Greenwood County (Trial June 2009); I tried this case as an Assistant Solicitor. The state indicted the defendant for criminal sexual conduct with a minor. The defendant sexually abused the minor child and infected the minor child with the HIV virus. I assisted in preparing the entire case for trial. I served as second chair for trial and had the delicate and challenging task of direct examining the minor child victim. I also direct examined the physician who served as the state's expert witness. During her testimony, the doctor inadvertently testified to hearsay regarding the child's identification of Defendant as the perpetrator. Recognizing the error, I immediately stopped her testimony. Outside the jury's presence, Defendant moved for a mistrial, which the court denied. The jury found the defendant guilty, and the court imposed the maximum sentence. Though I only handled the case at the trial level, it was affirmed on appeal. The Court of Appeals found the doctor's comment about the Defendant's identity "fleeting, with both the solicitor and defense counsel immediately stopping the testimony from going any further." State v. Chisholm, 395 S.C. 259, 274, 717 S.E.2d 614, 622 (Ct. App. 2011). This case is significant because it was humbling to meet, interact with, and prepare the minor child for trial. Working with this child and trying this case significantly impacted and guided how I work on cases with children.

(e) State v. John Gregory Barnes, Indictments 2006-GS-24-00153, 2006-GS-24-00154, 2007-GS-24-02020; Circuit Court, General Sessions, Greenwood County (Trial December 2007); I was sworn into the South Carolina Bar on November 13, 2007, and less than a month later I tried this case before the Honorable D. Garrison Hill. I was lead counsel with another attorney as second chair.

I presented the opening statement, direct examined all witnesses, and argued the closing. The jury returned a guilty verdict for Unlawful Neglect of a Child and Possession of Methamphetamine. This case was significant because it was the first case I tried, and the defendant's attorney was, and still is, a seasoned and well-respected criminal defense attorney.

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

(a) Wilson v. Willis, 426 S.C. 326, 827 S.E.2d 167 (2019). The Supreme Court decided that insureds were not required to arbitrate their claims, which was favorable to my client. More details about this case are included in the response to Question 15 (b) above.

(b) Thompson v. Shulkin, Vet. App. No. 16-3503, U.S. Court of Appeals for Veterans Claims (2018). After the prebriefing conference, the VA Secretary agreed to vacate and remand Mr. Thompson's case because the VA failed to provide adequate examinations in April 2008, August 2009, December 2010, and January 2015, and the Board of Veterans' Appeals relied upon the inadequate examinations in its decision. A consent joint motion for remand was filed, and the Court issued its order remanding the matter to the Board of Veterans' Appeals.

(c) King v. McDonald, Vet. App. No. 15-1983, U.S. Court of Appeals for Veterans Claims (2016). The Court affirmed the decision of the Board of Veterans' Appeals denying Mr. King's initial evaluation in excess of 10% for service-connected mechanical low back pain, and for a total disability evaluation based on individual unemployability (TDIU).

(d) Carroll v. Shinseki, Vet. App. No. 12-2696, U.S. Court of Appeals for Veterans Claims (2014). Mr. Carroll was a Vietnam era Veteran who sought service connection for Hepatitis C. By the time I began representing him before the Court, his claim had been pending for twelve years. I represented Mr. Carroll for his entire case before the Court of Appeals for Veterans Claims. The Secretary would not agree to a consent joint remand, so I argued his position in a brief and reply brief. In an unpublished memorandum

decision, the Court ruled favorably for Mr. Carroll and vacated the Board of Veterans' Appeals decision and remanded the matter for further proceedings consistent with its opinion. About a year later, the Department of Veterans Affairs granted service connection to Mr. Carroll for his Hepatitis C.

(e) Singleton v. Shinseki, Vet. App. No. 12-1084, U.S. Court of Appeals for Veterans Claims (2013). After the prebriefing conference, the VA Secretary conceded the Board of Veterans' Appeals erred because it did not provide an adequate statement of reasons or bases to support its finding that the Veteran "has not been shown to have a prostate disorder that is related to his military service." A joint motion for remand was filed, and the Court issued an Order remanding the case to the Board of Veterans' Appeals.

The following is Ms. Merrill's account of the criminal appeal she has personally handled:
State v. Green, Court of Appeals, May 11, 2016; I represented Mr. Green in this appeal pursuant to an appointment through the Appellate Practice Project. The Court of Appeals affirmed in an unpublished decision filed May 11, 2016.

Ms. Merrill further reported the following regarding unsuccessful candidacies:
In the Fall of 2019, I ran for Circuit Court Judge, At-Large, Seat 13. I was found qualified though not nominated. In the Fall of 2022, I ran for Circuit Court Judge, At-Large, Seat 3. I was found qualified though not nominated. In the Fall of 2023, I ran for Circuit Court Jude, At-Large, Seat 16. I was found qualified and nominated. I withdrew before the election.

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

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

constitutional qualifications, physical health, and mental stability. The Committee noted: "Ms. Merrill's breadth of experience, devotion to her profession and her community, and doggedness as a talented legal practitioner are unmatched, in the Committee's view. We commend her highly as a candidate for elevation to the Circuit bench."

Ms. Merrill is married to Albert L. Merrill. She has two children.

Ms. Merrill reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar, since 2007
(b) Greenwood County Bar Association, since 2007
(c) South Carolina Association of Criminal Defense Lawyers, since 2013
(d) South Carolina Association for Justice, since 2023
(e) National Organization of Veterans' Advocates, former member

Ms. Merrill provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations, and was recognized with the following awards:
(a) South Carolina Bar Leadership Academy Graduate (2022)
(b) G. Dewey Oxner, Jr. Mentor of the Year Award, South Carolina Bar (2019)
(c) Greenwood Leadership Graduate (2018)
(d) Star Under 40 Award, Greenwood Chamber of Commerce (2015)
(e) Legislative Appointee, Board of Directors, Greenwood County First Steps (since March 2022); awarded Board Member of the Year 2023
(f) Confirmed Communicant, Church of the Resurrection; Lay Reader (since 2005); Choir Member (since 2007); Delegate to Diocesan Convention (2021 to 2023 and 2013 to 2015); Member of Rector Search Committee (2018 to 2019); Senior Warden (2012); Vestry Member (2010 to 2012)
(g) Immediate Past Chair, Chair, Vice Chair, and Member, Board of Directors, Greenwood Community Theatre (Immediate Past Chair 2023; Chair 2020 to 2022; Vice Chair 2019; Member 2015-2018; Member 2007-2009)
(h) Board of Directors, Greenwood County Community Foundation (2015 to 2021)
(i)Member, Greenwood Women Care (2018 to 2022)

(j)Volunteer Attorney Coach, High School Mock Trial Team (since 2013)
(k) Member, Kiwanis International (2010 - 2022)
(l)Phi Beta Kappa (inducted 2001)

Ms. Merrill further reported:
"Ladies and Gentlemen of the jury." I've said this phrase in courtrooms representing plaintiffs and defendants in civil trials and representing defendants and the state as an assistant solicitor in criminal trials. The depth, breadth, and variety of my courtroom experience make me uniquely qualified to be a Circuit Court Judge, and my supportive family provided the foundation on which I built professional experience and success.
As the daughter of a social worker and truck driver, I had little exposure to the legal world growing up. Nevertheless, my life experiences have prepared me in immeasurable ways to be a dedicated, diligent, and discerning judge.
"Hard work never killed anyone." "If it's worth doing, it's worth doing right." "Can't never could." These are some of my mother's favorite phrases. My brother and I heard them all the time. Fortunately for us, my mother embodied these words in her own life, and we learned by her example.
My brother, older than me by only six months thanks to the gift of adoption, and I started kindergarten and graduated high school together. Our single mother working for DSS and our father, who was totally disabled by the time of our high school graduation, simply did not have the means to fund our college educations. So, I earned my degree through hard work and determination.
In high school I worked as a clerk at the local library and saved my minimum wage earnings. The summer before college, I kept my library job and added another waiting tables. Throughout college, I always worked at least one job, and most summers, I worked three. My jobs ran the gamut. I waited tables at three different restaurants, ran errands for two law firms, babysat, tutored student athletes, interned at an advertising agency, completed administrative tasks for a professor, and worked third shift at a radio station. When I walked across the stage at graduation, I had no student loan debt and a 3.95 GPA.
My mother learned the value of hard work from her parents. My grandfather worked multiple jobs to provide for his wife and five children. After starting his own business, he steadily built a successful trucking company. My grandmother took care of their home and children

and worked in her husband's business as it grew. Neither of my grandparents had a college degree, but I am grateful that at least my grandmother lived long enough to be there when I earned mine.

My parents divorced when I was twelve, but even before they separated, my father worked late hours, and my mother was the primary parent. I am blessed to have an extended family that love and care about me. A few of my fond memories include winning "best presentation board" in fifth grade because my uncle cut an interesting shape from wood onto which I glued facts and figures; learning from another uncle how to drive a manual transmission car on back country roads; and, moving in and out of every college apartment with help from yet another uncle. Two aunts worked as school librarians, and they introduced me to new worlds, adventures, and ideas through books. Another aunt embraced technology and taught me to use a computer. Another aunt and uncle beautifully play the piano and organ and inspired my love of music. And yet another aunt and uncle who met at a Mensa convention challenged me to critically analyze important issues. Finally, my two sets of aunts and uncles who lost their sons, one in 1984 and one in 2012, exemplified compassion and strength of character.

Although my family did not work in the legal field, events along the way sparked my interest in the law. A junior high school field trip to the Greenwood County Courthouse fascinated me. Writing a paper in high school about Sandra Day O'Connor and her ascension to the United States Supreme Court inspired me. Working for lawyers in college demonstrated a variety of areas in which a lawyer could serve others. Helping my father, who had Multiple Sclerosis and was wheelchair bound the last ten years of his life, navigate legal, long-term care, and medical decisions taught me patience and further ingrained in me that all people, no matter their circumstances, deserve to be treated with respect and dignity.

My family supported my dream to become a lawyer. They encouraged me, prayed for me, and kept my infant child while I commuted daily between Greenwood and Columbia during my last year of law school. Though I can never repay my family for all they have given me, I can pay it forward to the next generation. I give back to our community and the legal profession in various ways. For more than eleven years, I have served as a volunteer coach for Greenwood High School's mock trial team. I serve on the board of Greenwood County First Steps and have served on other community boards since 2007. I was honored to serve as a mentor to Daenayia Hudson through the South Carolina Bar's mentoring program and humbled to receive a 2019 Mentor of the Year

award. There to celebrate the moment with me was my mother, sitting beside the Chief Justice of the South Carolina Supreme Court.
By example, my family taught me to be dedicated, diligent, and discerning. Just like an excellent judge, they paid attention and listened. They were patient, kept an open mind when I shared ideas and dreams, and encouraged my success. They taught me to serve others by example and knew that work worth doing was worth doing right. The life lessons I learned from them guided me through childhood, college, law school, and my career. I am grateful for them. All I learned from them, coupled with my broad, deep, and varied legal experiences, will serve me well as a Circuit Court Judge.

(11) Commission Members' Comments:
The Commission commented on Ms. Merrill's diligence, dedication, and advocacy for her clients, and praised her for her professional and academic achievements.

(12) Conclusion:
The Commission found Ms. Merrill qualified, and nominated her for election to Circuit Court, At-Large, Seat 7.

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

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Kelly was born in 1958. He is 66 years old and a resident of Spartanburg, South Carolina. Judge Kelly provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

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

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

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

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

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

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

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

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

(h) I taught a class to law enforcement officers on prosecuting DUI cases while I was a lawyer.

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

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

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

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

(5) Reputation:
Judge Kelly did not report any rating by any legal rating organization.

Judge Kelly reported the following military service:
16 May 1981 to 16 May 1984, US Army active duty, Honorable Discharge. 17 May to 29 August 1994 US Army Reserve, Honorable Discharge. Captain, no longer serving.

Judge Kelly reported that he has held the following public office:
2006-2010, SC House of Representatives, House District 35, elected.

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

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

(8) Experience:
Judge Kelly was admitted to the South Carolina Bar in 1988.

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

(a) Brooks Law Associates, Spartanburg, SC 1988-1999; General practice of law including criminal, civil and family law. No administrative or financial duties.
(b) R. Keith Kelly Law Firm, Spartanburg, SC 1999-2001; General practice of law including criminal, civil and family law. Solo practice with administrative and financial duties.
(c) Lister, Flynn and Kelly, PA, Spartanburg, SC 2001-2013; General practice of law including criminal, civil and family law. No administrative or financial duties.
(d) The South Carolina Judicial Department, Circuit Court Judge, 2013 to present. Preside over Common Pleas and General Sessions matters.

Judge Kelly reported that he has held the following judicial office:
SC Circuit Court Judge, 2013-present. Elected by the General Assembly.

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

(a) Catawba Indian Nation v. State of South Carolina, 407 S.C. 526, 765 SE2d 900 (2014). The Indian tribe brought a declaratory judgment action against the state to determine the effect of the Gambling Cruise Act on certain gambling rights. The Supreme Court held declaratory judgment action was not precluded by collateral estoppel; the action was not precluded by res judicata; but the Gambling Cruise Act did not authorize the tribe to offer video poker gambling on its reservation. I concurred in the opinion as an Acting Associate Justice.
(b) Garrard v. Charleston County School District, LLC, 439 S.C. 596 (2023). Members and coach of high school football team brought defamation action against newspaper that had published series of articles that included statements about members and coach in connection with controversial post-game ritual performed by team. The Supreme Court, Kittredge, Acting C.J., held that common law presumption of general damages did not apply, requiring members and coach to demonstrate actual injury. The members and coach were required to demonstrate actual injury attributable to articles; allegedly libelous statement involved issue of public controversy or concern and was published by a media defendant. Petitioners fell short on the element of damages.

Because the allegedly libelous statement involved an issue of public controversy or concern and was published by a media defendant, the common law presumption of general damages did not apply, and it was incumbent on Petitioners to show actual injury attributable to Respondent's publications. I concurred in the opinion as an Acting Associate Justice.

(c) Garrison v. Target, 435 S.C. 566 (2022). Customers sued store for negligence, violation of Unfair Trade Practices Act, and loss of consortium after daughter picked up and was pricked by needle and syringe in store parking lot. The jury returned a verdict for Plaintiffs. The Court of Appeals held the statutory cap on punitive damages pursuant to section 15-32-530 constituted an affirmative defense that must be pled or else waived, and because Target failed to plead the cap, the Court held its application was waived in this case. Target contended the Court of Appeals erred in holding it was required to plead the statutory cap on punitive damages pursuant to section 15-32-530 as an affirmative defense, and because Target did not do so, application of the damages cap was waived in this case. The Supreme Court agreed finding the statutory cap on punitive damages is neither an affirmative defense nor an avoidance because it does not affect liability or require new matter to be asserted but instead limits the amount of damages a plaintiff can recover.

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

(e) West Anderson Water v. City of Anderson, 417 S.C. 496, 790 SE2d 204 (2016). The Water District brought a declaratory action against the City to determine the proper service provider to supply water to Michelin's newly constructed facility. The Court affirmed my ruling determining the Water Sale and Purchase Agreement allowed the City to provide service to Michelin, enabling

legislation authorized the local governing body to execute contracts extending past its members terms of office and there was no delegation of power by the district. Affirmed.

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

Judge Kelly further reported the following regarding unsuccessful candidacies:

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

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

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

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

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

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

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

(a) Trinity United Methodist Church, Spartanburg, SC
(b) The Supreme Court Historical Society
(c) Spartanburg Downtown Rotary Club (Paul Harris Plus Eight)
(d) Rotary Paul Harris Society
(e) Spartanburg Pilots Association, former board member
(f) Woodruff Investment Club
(g) The Peachtree Project (former member)

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

(11) Commission Members' Comments:
The Commission members commented that Judge Kelly enjoys a sterling reputation amongst his fellow judges and in the wider legal community. They complimented his judicial temperament and collegiality.

(12) Conclusion:
The Commission found Judge Kelly qualified, and nominated him for re-election to Circuit Court, At-Large, Seat 14.

The Honorable Maite D. Murphy
Circuit Court, At-Large, Seat 15

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Murphy was born in 1969. She is 55 years old and a resident of North Charleston, South Carolina. Judge Murphy provided in her application that she has been a resident of South Carolina for at least the

immediate past five years and has been a licensed attorney in South Carolina since 1995.

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

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

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

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

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

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

Judge Murphy reported that she has taught the following law-related courses:
(a) I taught business law courses at Midlands Technical College in Columbia in 1996 and 1997.
(b) I taught the Ethical Issues portion of the Children's Law Center CLS in Orangeburg entitled Training for Attorney Appointed in Abuse and Neglect Cases on April 30, 2010.
(c) I taught Courtroom Procedure Training at the Dorchester County Sheriff's Department. January – May, 2010.
(d) I taught Courtroom Case Presentation to the South Carolina Litter Control Association on February 24, 2011.

(e) I have been a presenter during the Orientation School for Magistrates and Municipal Judges on two occasions.
(f) I served on a teaching panel for the National Business Institute CLE that was titled "What Civil Court Judges Want You to Know" on 05/4/14.
(g) On several occasions through the years I spoke at my children's school on the topic of our court system and the Judiciary.
(f) I spoke at The Citadel on Leadership Day in 2018 to cadets focused on pursuing legal careers on the importance of mentorship and how leaders in our field helped shape my own career.

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

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

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

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

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

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

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

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

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

(8) Experience:
Judge Murphy was admitted to the South Carolina Bar in 1995.

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

I began practicing law in Columbia as a partner with the law firm of Holler, Dennis, Corbett & Garner. I began working there in January of 1996 and my practice was a general practice. I handled all types of cases in Common Pleas, General Sessions, Family Court, Magistrate Court and Municipal Court. As a partner in that firm, I was responsible for managing trust and firm accounts. My husband and I then moved from Richland County to Dorchester County in March of 1998 and I was employed as an associate for Richard Wern in North Charleston where I handled civil litigation matters in State and Federal Court until I obtained a position at the First Circuit Solicitor's Office in October of 1998.

During my tenure at the Solicitor's Office I rose to the rank of Chief Deputy Solicitor for the First Judicial Circuit. I was second in command to the Solicitor for the entire circuit which is comprised of Calhoun, Dorchester and Orangeburg Counties. I was hired to operate under a grant dedicated to prosecuting crimes of violence against women. I was in charge of prosecuting all violent crimes against women and children. I successfully tried cases of murder, arson, armed robbery, burglary, criminal sexual conduct (all degrees), lewd act upon a child, unlawful conduct towards a child, felony child abuse, sexual exploitation of minors, all levels of assaults, drug and alcohol offenses and criminal domestic violence. I also assisted Solicitor Walter Bailey with the trials of four capital murder cases.

I left the Solicitor's Office in 2005 to join the practice of Quattlebaum & Murphy, L.L.P. as a partner. My husband and I then formed our own law firm in January of 2009 which was the Murphy Law Firm, L.L.C. Both firms were general practice firms and during my time there I specialized in criminal and civil litigation matters in all courts and also handled domestic litigation. As a partner in both firms, I was responsible

for the administration and reconciliation of financial accounts, trust accounts and personnel matters.

I was confirmed by the Senate as a Magistrate Court Judge for Dorchester County on April 30, 2009. Chief Justice Jean H. Toal appointed me as Associate Chief Magistrate for Dorchester County on June 17, 2009. I served in that capacity until I was appointed as Chief Magistrate by Chief Justice Toal on July 1, 2010. I served as Chief Magistrate part-time and continued my general practice until I was appointed a Master-in-Equity for Dorchester County in May of 2011.

I began my term as Master-in-Equity on June 1, 2011. As Master-in-Equity I heard cases referred by the Circuit Court. I presided over matters that dealt with real property disputes, business cases, injunctions, default cases with unliquidated damages and supplementary proceedings. The real property cases included mortgage foreclosures, quiet title actions, partitions, boundary disputes and mechanic's liens. On December 22, 2011 Chief Justice Toal appointed me as a Special Circuit Court Judge which allowed me the ability to try non-jury matters in Common Pleas Court. As Master-in-Equity I was responsible for the administration of the office, all personnel matters and financial accounting requirements of the office.

I was elected to my current position on the Circuit Court in January of 2013. My duties as a Circuit Court judge include presiding over terms of Common Pleas Court and General Sessions Court. I dispose of motions, pretrial proceedings and perform administrative duties. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlements of minor's interests and all other people with an incapacity, and wrongful death and survivor action settlements. I was appointed to the Business Court in August of 2014 and I continue to serve in that capacity. As a Business Court Judge I preside over complex matters that include the following: South Carolina Business Corporation Act; South Carolina Uniform Securities Act; South Carolina Uniform Commercial Code; and, cases involving Trade and Commerce to include Trade Secrets Act, Trusts, Monopolies and Restraints of Trade and Trademarks or other business matters as determined by the Chief Justice. I have served as Chief Administrative Judge for Common Pleas and for General Sessions Court. I also served on a state-wide docketing committee led by Justice James to address the backlog of cases in General Sessions Courts due to the pandemic. I also serve on the

Commission of Judicial Conduct since 2023. I did serve as an "Acting Associate Justice" to the South Carolina Supreme Court in April of 2018.

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

I served as Chief Magistrate for Dorchester County. I was appointed as a Magistrate by the Governor, with the advice and consent of the Senate. My appointment was confirmed on April 30, 2009. As a Magistrate Court Judge I had jurisdiction to hear civil actions within the County where the amount in controversy did not exceed $7,500. I had limited jurisdiction of mechanics' liens, agricultural liens, repair or storage liens and animal owner's liens. My Magistrate jurisdiction also included handling of criminal and traffic offenses which are subject to a fine or forfeiture not exceeding five hundred dollars or imprisonment not to exceed thirty days or both. I also heard cases transferred from General Sessions Court where the penalty did not exceed one year of imprisonment or a fine of $5,000 or both. These cases were transferred to the Magistrate's Court upon petition from the Solicitor and with the consent of the defendant.

I served as the Dorchester County Master-in-Equity and my term of service began on June 1, 2011. I was appointed by the Governor with the advice and consent of the General Assembly on May 19,2011. As Master-in-Equity I heard cases referred to me by the Circuit Court. I presided over matters that dealt with real property disputes, business cases, injunctions, default cases with unliquidated damages, and quiet title actions, partitions, boundary disputes and mechanic's liens. I conducted public judicial auctions of real property pursuant to mortgage foreclosure actions. I further executed and delivered Master's Deeds conveying title to real property to successful bidders at the public auctions. If appropriate, I also executed and delivered Master's Deeds to parties to suits that established their legal interest in real property. This jurisdiction was limited to Dorchester County. During my tenure as Master-in-Equity I was also appointed by the Chief Justice on December 22, 2011 to serve as a Special Circuit Court Judge. As a Special Circuit Court Judge I was able to try non-jury matters in Common Pleas and General Sessions Court. I also disposed of motions and pretrial proceedings.

I was elected to my current position of Circuit Court, At-Large seat #15 on January 30, 2013 by the South Carolina General Assembly. As a

Circuit Court Judge I preside over cases in Common Pleas and General Sessions Court. I have served as Chief Administrative Judge of both Common Pleas and General Sessions Court and also serve as a Business Court Judge handling complex business litigation matters. I was appointed to the Business Court by the Chief Justice on August 8, 2014. As a Circuit Court Judge I dispose of motions, pretrial proceedings, perform administrative duties necessary to prepare cases for trial and other dispositions, including the sounding of the trial roster and docket. I hear appeals from Magistrate, Municipal and Probate Courts and approve or disapprove settlement of minor's interest and all other people with an incapacity, and wrongful death and survivor action settlements. In General Sessions Court I accept Grand Jury returns, preside over guilty pleas, bond hearings, probation revocations and jury trials and also issue search warrants.

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

(a) Shannon Shaw v. Amazon.com Inc.; Amazon Logistics, Inc.; MJV Logistics, LLC and Kevin Anthony Blekicki 2021-CP-18-02173. This was a personal injury trial where agency was the central issue at trial and the extent of control exerted by Amazon over the logistics company and the driver of an Amazon delivery vehicle. Plaintiffs were able to establish actual control and the right and authority to control the work of MJV Logistics and the driver Blekicki. Another important issue in this trial was the untimely disclosure of proposed expert witnesses which were excluded by the Court. The jury in this case deliberated for just under four hours and returned a verdict for $44.6 million Dollars. Punitive damages against Amazon were $30 million Dollars. Defense counsel for Amazon failed to make timely post trial motions and I ruled that the failure to submit the post-trial motions in compliance with Rules precluded them from relief for later filed motions for new trial absolute, new trial nisi remittitur, and new trial pursuant to the Thirteenth Juror Doctrine. The Order denying this relief was appealed, however the parties were able to reach a settlement of all issues prior to the matter being heard by the Court of Appeals.

(b) Shem Creek v. Development Group, LLC v. The Town of Mount Pleasant, South Carolina, 2017-CP-10-05493. This was a Business Court case where the Plaintiff initiated an action against the Town of Mount Pleasant for the breach of a parking license agreement to build a parking garage in Shem Creek. This was a significant order in that it dealt with complex issues as to discretionary acts of government, duty of

good faith, breach of contract, and substantial performance. This case was a bench trial and I found that the town breached the parking license agreement by a preponderance of the evidence, and concluded that the damages in the amount of $2,604,316 were proven.

(c) The State v. Shannon Scott Appellate Case No. 2017-001607. This Order was significant in that it granted immunity from prosecution to the defendant. This was a unique circumstance in that the victim that was shot and killed by the defendant was not the person which attacked the defendant and his family, but he was in a car at the incident location. The Supreme Court ruled that there was evidence in the record to support Scott's use of deadly force under the doctrine of self-defense. He was entitled to immunity pursuant to Subsection 16-11-450(A) of the Protection of Persons and Property Act.

(d) CPM Federal Credit Union v. George W. Lockwood and Sarah Thackson, 2014-CP-10-7597. This was an Order which addressed the Plaintiff's Rule 59(e) Motion to Reconsider, Defendant's Second Motion for Summary Judgment and Defendant's Motion for Discovery Sanctions. This matter was before me in the Business Court and dealt with numerous claims which included breach of fiduciary duties by former members of the board of directors of the credit union as well as conduct of the officers of the corporation. The most significant portion of this order dealt with sanctions issued by the court pursuant to the South Carolina Rules of Civil Procedure Rule 37. The plaintiff engaged in a pattern of discovery abuses. The plaintiff failed to disclose evidence in a timely manner during the discovery process and at one point in the litigation dumped hundreds of thousands of pages of documents on the defendants days prior to trial causing a significant delay in the litigation. I felt as this order was important in that it demonstrated that discovery abuses are not to be tolerated as the parties are charged with participating in discovery as an enhancement to the truth-seeking process to properly prepare for trial and promote a timely determination of the matters at hand.

(e) Erica Butts v. State of South Carolina, 2014-CP-10-2518. This was an Order of Dismissal in a post-conviction relief matter filed by Erica Butts. Ms. Butts had been sentenced to life in prison subsequent to an Alford plea to homicide by child abuse in Charleston County Court of General Sessions on November 3, 2011. Ms. Butts asserted that her counsel was ineffective for failing to prepare an adequate defense based on battered spouse syndrome. The defendant claimed that her co-defendant, Shanita Cunningham, a person she had a romantic relationship with was physically abusive, controlling and aggressive

toward her. Both were charged with the homicide by child abuse after a toddler in their care was brutally beaten to death over a period of time. I found that the defendant was not entitled to relief as her counsel presented testimony of the co-defendants alleged abuse as a mitigating factor in sentencing. This was done by trial counsel even though the defendant failed to cooperate in counsel's investigation of her alleged abuse. Further, battered spouse syndrome was not applicable in that the toddler victim who was killed was a third party, and was not the abuser, as contemplated by the syndrome. The alleged abuse of the defendant by the co-defendant could not justify the murder of the child. The defendant did not passively observe the victim's abuse, but actively participated in it and there was no justification or excuse for her actions in the killing of an innocent child.

Judge Murphy reported the following regarding her employment while serving as a judge:
The only employment I have had while serving as a judge was when I served as Dorchester County Magistrate on a part-time basis and was still employed as a partner in Murphy Law Firm, LLC.

Judge Murphy further reported the following regarding unsuccessful candidacies:
I was a candidate for Circuit Court Judge of the First Judicial Circuit in 2008. I was found qualified to serve, but I was not nominated to the office. I was a candidate for the Circuit Court Judge, At-Large seat #8 position in 2009. I was found qualified to serve and nominated by the Judicial Merit Selection Commission but was not elected to the position by the General Assembly. I was a candidate for Circuit Court Judge, At-Large Seat # 9 position in 2010. I was found qualified to serve, but was not nominated to be elected. I submitted an application for the Supreme Court, seat 4 in 2022, but withdrew my candidacy prior to screening.

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Murphy 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—integrity, smarts, personality, strength to make right decisions under difficult circumstances".

Judge Murphy is married to Christopher J. Murphy. She has two children.

Judge Murphy reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association-1995 to present.
(b) Richland County Bar Association-1995-1998.
(c) South Carolina Women's Bar Association 1995 to present.
(d) Dorchester County Bar Association- 1998 to present. Served as President 2006-2010; Vice-President 2005; Treasurer 2003-2004.
(e) South Carolina Judicial Invitational- 2013 to present. I serve as Vice President & Membership Chair.

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

Judge Murphy further reported:
I have had the unique opportunity throughout my career to serve on all sides of the bench. I have the opportunity to learn much from other attorneys, judges, litigants and victims of crimes or circumstances. I continually strive to be, and will continue to strive to be, the kind of judge that is above all fair, well-versed in the law, and one that treats all witnesses, jurors, litigants and their counsel respectfully.

(11) Commission Members' Comments:
The Commission thanked Judge Murphy for her hard work and service to the state.

(12) Conclusion:
The Commission found Judge Murphy qualified, and nominated her for re-election to Circuit Court, At-Large, Seat 15.

The Honorable Charles J. McCutchen
Circuit Court, At Large, Seat 16

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McCutchen meets the qualifications prescribed by law for judicial service as a circuit court justice.

Judge McCutchen was born in 1977. He is 47 years old and a resident of Orangeburg, South Carolina. Judge 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 Judge McCutchen.

Judge 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.

Judge McCutchen reported that he has made no campaign expenditures.

Judge 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.

Judge 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 Judge McCutchen to be intelligent and knowledgeable.

Judge McCutchen reported that he has not taught any law-related courses.

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

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

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

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

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

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

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

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

(8) Experience:
Judge 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.

Judge McCutchen reported that he has held the following judicial office(s):
I was elected by the General Assembly to the Circuit Court, At-Large, Seat Sixteen position; however as of the date of this application, I have not been sworn in and assumed the role of Circuit Court Judge as my term does not begin until January 2, 2025 and the unexpired term I am filling will expire June 30, 2025.

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

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualification found Judge McCutchen 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, "Good experience (not as much criminal side), highly relational and likeable, compassionate, great disposition – would make a great Circuit Court Judge."

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

Judge 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-April 2024
(c) First Judicial Circuit Fee Dispute Resolutions Board
(d) South Carolina Association of Justice, member

Judge 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 – April 2024
(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

Judge 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 and their community, 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 as long as I am 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 twenty 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 will 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 noted the excellent reputation Judge McCutcheon enjoys as a member of the Bar, as reflected in specific feedback from his colleagues about his temperament and intellect.

(12) Conclusion:
The Commission found Judge McCutchen qualified, and nominated him for re-election to Circuit Court, At Large, Seat 16.

FAMILY COURT
QUALIFIED AND NOMINATED

The Honorable Anne Guè Jones
Family Court, First Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Jones was born in 1965. She is 59 years old and a resident of Orangeburg, South Carolina. Judge Jones provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

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

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

Judge Jones reported that she has made less than $40 in campaign expenditures for postage and copying costs.

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

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

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

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

(a) Lectured on "Judicial Pet Peeves on Order Drafting", SC Bar Family Law Bench/Bar JCLE on December 3, 2010
(b) Lectured on "Motions for Reconsideration Under Rule 59(e)", SC Bar Family Law Bench/Bar JCLE on December 2, 2011
(c) Lectured at Orientation School for Family Court Judges each year from 2011 through 2020 on the topics of custody, contempt and evidence
(d) Lectured on "Updates in Family Court", SC Bar Family Law Bench/Bar JCLE on December 5, 2014
(e) Lectured at SC Bar 2016 Annual Guardian ad Litem Training and Update on January 29, 2016
(f) Course planner and moderator for the SC Bar Family Law Bench/Bar JCLE in December each year for the years 2013, 2014, 2015, 2016 and 2018
(g) Speaker at Orangeburg Community Education Forum, "Envisioning the Future of Education in Orangeburg County", February 7, 2019

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

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

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

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

(5) Reputation:
Judge Jones reported that she is unable to locate her last rating by any legal rating organization.

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

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

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

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

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

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

(a) Staff Attorney, South Carolina Supreme Court, August 1990-June 1991. Responsibilities included researching and preparing memorandum opinions for the Court in the areas

of criminal law, domestic law, civil law and appellate practice.

(b) Partner, Bryant, Fanning & Shuler, Orangeburg, South Carolina, July 1991-June 2001. Primary responsibilities included handling all domestic cases for the firm including divorce, separate maintenance, custody, visitation, child support, adoptions, DSS appointed cases and all other types of cases heard in Family Court. I also served as guardian ad litem in numerous private custody cases. Other responsibilities included handling personal injury cases, some insurance defense cases, conducting title searches and real estate closings, preparing wills, probating wills and writing appellate briefs. Ninety percent of my work in the last five years was in the area of domestic and family law. Administrative management responsibilities included supervising my personal assistant. Financial management responsibilities included managing my clients' funds placed in the firm trust account.

(c) Family Court Judge, First Judicial Circuit, Seat 1, July 2001-present.

Judge Jones reported that she has held the following judicial office(s):
I have held judicial office as Family Court Judge, First Judicial Circuit, Seat 1, July 2001-present, elected February 2001. The Family Court has exclusive jurisdiction over all matters involving domestic or family relationships. The unified statewide Family Court system was established by statute in 1976. Pursuant to this provision, the Family Court is the sole forum for the hearing of all cases concerning marriage, divorce, separate maintenance, custody, visitation rights, termination of parental rights, adoption, alimony, child support, division of marital assets and debts and change of name. South Carolina Family Court has exclusive jurisdiction over any actions concerning children living within its jurisdiction as outlined in SC Code Annotated Section 63-3-530. This includes exclusive jurisdiction over minors under the age of seventeen alleged to have violated state or municipal laws.

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

(a) Ryan Campbell Dennis v. Holly Camille Yates, issued on December 19, 2006, in Richland County Family Court, Case No. 2005-DR-40-4139, reversed as Doe v. Roe, 379 S.C.

291, 665 S.E.2d 182 (Ct. App. 2008), reversed as Doe v. Roe, 386 S.C. 624, 690 S.E.2d 573 (2010). This was a termination of parental rights case in which I ordered that Father's parental rights be terminated. The Court of Appeals reversed my decision, finding that termination of Father's parental rights was premature and was, therefore, not in the child's best interest. The Supreme Court reversed the Court of Appeals, affirming the Family Court decision that terminating Father's parental rights was in the best interest of the child.

(b) Melissa Leaphart Hagood v. James Buckner Hagood and Melody "Suzie" Hagood Sharpe, issued on July 5, 2016, in Richland County Family Court, Case No. 2014-DR-40-1541, affirmed as Hagood v. Hagood and Sharpe, 2018-UP-471 (Ct. App. 2018). This divorce case involved a substantial dispute over custody between biological parents and a third party relative. I found the biological parents unfit to parent and awarded custody to the third party relative. The Court of Appeals, in an unpublished opinion, affirmed the award of custody to a third party relative.

(c) Mitchell Goldman v. Jane Goldman, issued on April 16, 2018, in Dorchester County Family Court, Case No. 2016-DR-18-1859, affirmed as Goldman v. Goldman, 2021-UP-014 (Ct. App. 2021). This was a termination/reduction in alimony case where I ordered a reduction in Husband's alimony payments to Wife but did not terminate his alimony payments completely. The Court of Appeals affirmed my decision, in an unpublished opinion, regarding the award of attorney's fees to Wife, the denial of a retroactive alimony reduction to Husband, and the decision not to completely terminate or further reduce Husband's alimony obligation.

(d) State of South Carolina v. Kemondre Glover, issued on May 3, 2022, in Orangeburg County Family Court, Case No. 2021-JU-38-126, 127, 128, 129 & 130. This is a Final Order in which I waived jurisdiction of a juvenile to General Sessions Court after review of the factors established by Kent v. United States, 383 U.S. 541 (1966). The juvenile in this case fired a gun into a crowd of students as school was being released, severely injuring three students.

(e) South Carolina Department of Social Services v. Donna Bolin and Maurice Evans, Order on Rule to Show Cause,

issued on November 17, 2023, in Orangeburg County Family Court, Case No. 2023-DR-38-548. I issued this Order as a result of a Sua Sponte Rule to Show Cause issued against Orangeburg County Department of Social Services for failing to comply with an Order to conduct expedited paternity testing. The Orangeburg County Department of Social Services was found in contempt of court and ordered to pay a fine to the Orangeburg Clerk of Court, which fine could be suspended upon the filing of the paternity test results by a specified date.

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

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

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Jones 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: "Excellent candidate—smart, fair, motivated and caring. Willing to make the tough calls."

Judge Jones is not married. She has three children.

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

(a) SC Bar Association
(b) SC Conference of Family Court Judges - Secretary/Treasurer 2012; Vice President 2013; President 2014; Family Court Judges' Advisory Committee Member 2012-2014.
(c) South Carolina Women Lawyers Association
(d) Orangeburg County Bar Association

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

(a) Commission on Judicial Conduct, Member of Panel No. 4.

(b) Recipient of the 2024 Buchan, Brown, Jacobs Award, April 2024, given by the SC Conference of Family Court Judges to a Family Court Judge who demonstrates the characteristics of integrity, professionalism, skill, compassion, spirit, optimism and courage.

(c) Safe Babies Court Judge, Orangeburg County. In late 2021, I was contacted by national and state representatives of the Zero to Three National Infant Toddler Court Program about my interest in serving as the Judge for Safe Babies Court in Orangeburg County. The SC Infant Mental Health Association received a grant from the SC Department of Rural Health to begin this pilot court in Orangeburg County. As the originating Judge for Safe Babies Court in Orangeburg, I worked with our community stakeholders and representatives from the National Resource Center in July 2022 to develop the case map plan for various types of abuse and neglect cases in Orangeburg that would meet the criteria for Safe Babies Court. Additionally, I attended the National Zero to Three Annual Cross Sites Meeting on Safe Babies Court in Dallas in August 2024. I participated in a day-long convention with other Safe Babies Court Judges from across the country, as well as two days of education in the Safe Babies approach.

(d) I was the originating Judge for the Juvenile Drug Court Program in Orangeburg and Calhoun County in 2005. I have continuously served as the Judge for this program up to the present time.

(e) Co-Chairman of the Orangeburg Court Security Committee since May 2019. We conduct a yearly review of the Orangeburg County Court Security Plan for all Courts operating in Orangeburg County.

(f) South Conference of Family Court Judges Training Judge for newly elected Family Court Judges: new judges sit with me for one of three training weeks before holding Court on their own.

(g) Annual participating Judge in the Judicial Observation and Experience Program hosting two to three law students in Court with me for two weeks each summer

(h) Junior Service League of Orangeburg, Sustaining Member

(i) Orangeburg Calhoun Free Medical Clinic, Correspondence Secretary

(j) First Baptist Church, Lord's Supper Committee
(k) South Carolina Family Law Inn of Court, member and regional leader
(l) South Carolina Supreme Court Historical Society, member and Judicial Advisory Board

Judge Jones further reported:
I was raised in Orangeburg by parents who instilled in me a commitment to family, church and community, a strong work ethic, integrity and humility. I was married for 27 years and have been a working mother for 29 years. I have experienced the loss of a spouse to cancer and being a single parent. My own life experiences make me acutely aware that every person I encounter as a Family Court Judge brings with them their unique personal circumstances. My effectiveness as a Family Court Judge directly depends on my ability to approach all people in the courtroom with a calm, compassionate, respectful and patient temperament. I realize that my daily decisions as a Family Court Judge have life consequences for the participants and their children. I believe it is critically important that all litigants leave Family Court confident that their cases were heard patiently and decided fairly, according to the law. I will continue to strive to uphold this personal standard during my service on the Family Court bench. I have had the privilege to serve as a Family Court Judge in Orangeburg for 23 years; it is a job I have "grown" into through the years. I am a believer that wisdom, in life and work, comes with age and experience. Despite that experience, I am still learning new things. In my capacity as a Judge for Safe Babies Court, I have had the opportunity to learn new and innovative approaches to the child welfare system in in South Carolina. Additionally, I am encouraged by the Family Court Bench's collaborative efforts to develop new approaches to our work. I am thankful for the opportunity to serve as a Family Court Judge, and I hope to continue this service to my community and state.

(11) Commission Members' Comments:
The Commission commented that Judge Jones is well-suited to the Family Court bench in her ability, temperament, and the care she devotes to discharging her judicial duties. They expressed admiration for Judge Jones's efforts to improve the judicial environment for juveniles in the First Judicial Circuit and recognized her commitment to the Family Court bench.

(12) Conclusion:
The Commission found Judge Jones qualified, and nominated her for re-election to Family Court, First Judicial Circuit, Seat 1.

Shannon M. Chandler
Family Court, Second 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, Second Judicial Circuit, Seat 1, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

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

Ms. Chandler was born in 1971. She is 53 years old and a resident of Graniteville, South Carolina. Ms. Chandler 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 1999.

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

Ms. Chandler 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. Chandler reported that she has made $90 in campaign expenditures for postage for letters of introduction to legislatures.

Ms. Chandler 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. Chandler 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. Chandler to be intelligent and knowledgeable.

Ms. Chandler reported that she has taught the following law-related courses:
(a) I taught Family Law and Worker's Compensation Law at South University.
(b) I taught Family Law at Midland's Technical College.
(c) I presented on the subject of how to handle child support liens at a Worker's Compensation CLE.
(d) I presented on the topic of "Representing Incarcerated Parents" at an Office of Indigent Defense CLE on June 3, 2022.

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

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

The Commission noted that the state tax liens for individual income taxes filed against Ms. Chandler in 2005, 2007, 2008, 2009, 2010, 2013, 2014, 2018, 2023, and 2024 have been satisfied. The Commission also noted that the federal tax liens for small business/self-employment taxes filed against Ms. Chandler in 2011, 2013, and 2016 have been satisfied. The Commission further noted that the state tax lien for business withholding taxes filed against Ms. Chandler in 2024 has been satisfied and was the result of Ms. Chandler's payroll company inputting the incorrect EIN for Ms. Chandler's business. This error is acknowledged by a letter from Ms. Chandler's payroll company.

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

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

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

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

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

(8) Experience:
Ms. Chandler was admitted to the South Carolina Bar in 1999.

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

(a) Richland County Public Defender's Office – Screener (February 1999-November 1999): I screened inmates at Alvin S. Glenn Detention Center to determine if they qualified to be represented by the Richland County Public Defender's Office.

(b) Richland County Public Defender's Office – Assistant Public Defender (November 1999- January 2002): I represented juvenile offenders in Family Court. I was lead attorney in the Family Court division of the office for over a year. No involvement with financial management or trust accounts.

(c) Dessausure Law Firm – Associate (January 2002-April 2003): I represented clients in domestic, civil and criminal cases. No involvement with the administration of the office.

No involvement with financial management or trust accounts at the firm.

(d) South University – Instructor (January 2003-September 2003): I provided college level instruction to students in the subjects of Family Law/Domestic Relations, Wills, Trusts and Estates and Workers' Compensation.

(e) Midlands Technical College – Instructor (August 2004-May 2005): I provided college level instruction to students taking Family Law/Domestic Relations courses.

(f) Law Office of Shannon D. Matthews – Attorney/Solo Practitioner (April 2003-Present): My practice includes all aspects of domestic litigation (including juvenile criminal cases), some civil litigation (personal injury cases) and some criminal cases (primarily domestic violence cases in Circuit, City and Magistrate's courts). Over the past twenty (20) years, in Family Court, I have handled several juvenile cases, several divorces, several custody cases and I have been appointed to act as guardian ad litem in numerous cases. I have handled a few pleas in General Sessions. I have filed many actions with the Court of Common Pleas; most of the cases settled, but I have tried a couple of cases in the Court of Common Pleas. I have also tried several criminal domestic violence cases in Magistrate's Court and City Court over the years. I have two (2) employees (one who is a paralegal/office manager), but I handle the administrative duties in office (i.e. paying bills, hiring, etc.). I am solely responsible for the business and trust accounts associated with the Law Office of Shannon D. Matthews.

(g) Matthews Law Firm – Attorney/Solo (May 2003-2005): I was the sole attorney filing suits for a collection company. I filed actions in Magistrate's Court and the Court of Common Pleas in attempts to collect debt (primary credit card debt). I was responsible for the trust accounts associated with the office.

(h) South Carolina Department of Social Services – Contract Attorney (July 2015-July 2017). I represented the South Carolina Department of Social Services in Abuse and Neglect cases. As a contract attorney, I did not have access to business or trust accounts.

(i) Office of Indigent Defense – Contract Attorney (July 2017-Present). I represent indigent clients in abuse and neglect cases. I do not have access to business or trust accounts.

Ms. Chandler further reported regarding her experience with the Family Court practice area:
Divorce and equitable division of property – I have represented clients in numerous divorce actions, from simple divorces, to more complicated matters that involve custody issues, alimony and division of property. More often than not, equitable distribution of marital assets was an issue that had to be addressed in the divorce actions that I handled (and still handle). I have been a certified Family Court mediator for several years now, so I have assisted numerous litigants with resolving disputes regarding equitable distribution.

Child Custody – I have represented litigants in numerous custody cases over the years. I actually have several custody cases currently pending. I have acted as guardian ad litem for minor children in countless custody cases. I also often address the issue of custody in mediation.

Adoption – I have handled a few adoption cases over the course of my career. I have handled, at least, one DSS adoption case and two (2) private adoption case. I have acted as the guardian ad litem in several adoption cases.

Abuse and neglect cases – I prosecuted abuse and neglect cases as a contract attorney for SCDSS for a couple of years. I have represented indigent litigants in abuse and neglect cases, on a regular basis, since 2017. I have appeared in court weekly with abuse and neglect clients for the past seven (7) years. I have handled countless abuse and neglect cases with varying fact patterns.

Juvenile Justice – I started my career as an attorney representing juveniles in Family Court. For almost three (3) years, I appeared in court weekly with juvenile clients. I have not had many juvenile justice cases in the past ten (10) years.

I have appeared before Family Court judges weekly for the past five (5) years.

Ms. Chandler reported the frequency of her court appearances during the past five years as follows:
(a) Federal: N/A.
(b) State: Weekly, two (2) to five (5) times per week.

Ms. Chandler reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 8%;
(b) Criminal: 2%;
(c) Domestic: 90%;
(d) Other: N/A.

Ms. Chandler reported the percentage of her practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%
(b) Number of cases that went to trial and resulted in a verdict: Six (6) to eight (8) private domestic actions. Numerous abuse and neglect cases.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 1.
(d) Number of cases settled after jury selection but prior to opening statements: 0.

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

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

(a) SCDSS v. Andrew Martin., et. al, 2021-DR-32-01634X. I represented Defendant-Father, who was accused of emotionally abusing his minor children. The SC Department of Social Service ("Department"), administratively, made a finding that Mr. Martin emotionally abused his children. We appealed the finding, which led to the matter being heard before the Family Court (as a merits hearing). The Department offered my client treatment plan and an opportunity to agree to the finding. He declined both offers. At trial, after the Department rested its case, I made a motion for the Court to dismiss the case pursuant to SC Rules of Civil Procedure, 41(b). The Court granted the motion and

the Court dismissed the matter. The ruling was pivotal for my client because he was involved in a custody case at the time. The finding would have had negative implications for him in the custody case.

(b) Derrick Brown v. Amy Handel, 2020-DR-40-0164. I represented Plaintiff-Father, Derrick Brown regarding a matter filed in family court, wherein he was seeking custody of his minor child. The parties were never married; however, they had one child together. Defendant-Mother, Amy Handel, had been the minor child's primary custodian since his birth. At the time that I filed the action, the minor child was ten (10) years old; he was twelve (12) years old at the time of the final hearing in May 2023. The case was contentious and prolonged by the changes in the court scheduling system because of COVID. Defendant-Mother had two (2) attorneys while the case was pending; however, by the time that we went to trial, Defendant-Mother was a pro se litigant. Defendant-Mother refused all of Plaintiff-Father's settlement proposals, all of which designated Plaintiff-Father as the primary custodian, but offered Defendant-Mother a generous parenting time schedule. We were scheduled for a three (3) day trial. The trial lasted two (2) days. At the conclusion of the trial, the Court granted Plaintiff-Father custody and granted Defendant-Mother a visitation schedule that is less than the standard visitation schedule. The Court also ordered Defendant-Mother to pay $20,000.00 towards Plaintiff-Father's attorney's fees. The case is significant because male litigants seeking custody of children do not prevail as often as female litigants seeking custody of children.

(c) DeHart v. Fenderson, 2015-DR-23-903. I represented maternal great-grandparents, Sharon and Jim Dehart in a custody case involving their great-grandson. The case was filed in Greenville, SC by the minor child's father and the DeHarts were the defendants. The DeHarts lived in Colorado when the case commenced, and they moved to North Carolina a few months before the case went to trial. After a three (3) day trial with numerous witnesses, the Court took the case under advisement. Ultimately, the Court granted my clients custody of the minor child. The case was significant because, considering the deference given to the

custodial rights of parents, it can be difficult for grandparents to prevail in custody cases against parents.

(d) Wise v. Wise, 2014-DR-40-2135. I represented the Defendant-Father in the aforementioned case. I had represented the Defendant-Father in the parties' divorce action, wherein he was the plaintiff, a few years prior. Per the parties Final Divorce Decree, they shared custody of the minor children, by exchanging the children every week (Father paid child support to Mother because his income was significantly more). Plaintiff-Mother filed this action, post-divorce, seeking primary custody of the minor children. Defendant-Father was willing to continue with the shared custody arrangement, but over the course of litigation, determined that it was in the best interests of the parties' three (3) children to reside with him. Litigation was contentious the entire time that the case was pending. After a two (2) day trial, the Court granted custody of the children to my client, Defendant-Father. The case was significant because of the facts (Plaintiff-Mother, per our witnesses that testified during trial, maintained several romantic relationships with men and women, while being married to her second (2nd) husband and she exposed the children to the paramours) and because it helped to debunk the perception that men cannot prevail in custody cases.

(e) State vs. Rakeem Jackson, 2014-JU-02-106; 2014-JU-02-107; 2014-JU-02-108. I represented Rakeem Jackson, a juvenile (at the time), charged with armed robbery, possession of a firearm during a violent Crime and Kidnapping (family court). I advised my client to accept the State's plea offer, as it would insure that he spent significantly less time at the Department of Social Service, than if he proceeded with a trial and was found guilty. My client declined the offer and I tried the case. My client was found "not guilty" on all counts and released from detention. The case is significant because the charges against my client were very serious. The State's evidence was circumstantial, but compelling. Nevertheless, I was able to convince the Court that there was not enough evidence to convict my client.

Ms. Chandler reported she has not personally handled any civil or criminal appeals.

Ms. Chandler further reported the following regarding unsuccessful candidacies:
Yes. I was a candidate for Circuit Court, Second Judicial Circuit, Seat 1 in the Spring of 2019. I withdrew my candidacy immediately after the public hearing.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Chandler to be "Qualified" in the evaluative criteria of physical health, mental stability, and constitutional qualifications; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee noted: "Impressed w/ her Family Ct. experience."

Ms. Chandler is married to Everett Keith Chandler. She does not have any children.

Ms. Chandler reported that she was a member of the following Bar and professional associations:
(a) Aiken County Bar Association
(b) Lexington County Bar Association
(c) South Carolina Black Lawyer's Association (SCBLA Annual Conference co-chairperson, 2023 & 2024; Assistant treasurer, 2024)
(d) Commission on Lawyer Conduct (member 2023-present)

Ms. Chandler provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Aiken Alumnae Chapter of Delta Sigma Theta Sorority, Inc. – Financial Secretary, Social Action Chairperson, Nominations Committee Chairperson, Protocol and Traditions Chairperson
(b) National Association for the Advancement of Colored People (NAACP) – Life Member
(c) Aiken United Way – Board member 2022-2024

Ms. Chandler further reported:
The greatest influence on my perspective as a judge would be the experiences that I have had representing indigent clients at the Richland County Public Defender's Office and in abuse and neglect cases, as well as my experience representing the State (as a contract attorney for SCDSS) against those very same individuals. I have learned that regardless of our socioeconomic statuses, our genders, our race and/or our gender identities, we all deserve to be treated with respect in every situation. More importantly, I know from experience that people respond well when you recognize their humanity. As an attorney, one of my goals is to leave intact the dignity of all whom I encounter; my goal would be the same as a judge. Whether sentencing a juvenile defendant, giving rulings in Family Court cases or communicating with attorneys that appear before the Court, I would be a judge who always recognizes the humanity of those who appear before the Court and I would endeavor to leave each individual with his/her dignity intact.

(11) Commission Members' Comments:
The Commission commended Ms. Chandler on the endorsements provided in her letters of reference and appreciated her willingness to serve on the Family Court.

(12) Conclusion:
The Commission found Ms. Chandler qualified, and nominated her for election to Family Court, Second Judicial Circuit, Seat 2.

Amanda Frances Whittle
Family Court, Second 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, Second Judicial Circuit, Seat 1, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

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

Ms. Whittle was born in 1971. She is 53 years old and a resident of Aiken, South Carolina. Ms. Whittle 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. Whittle.

Ms. Whittle 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. Whittle reported that she has made $897.07 in campaign expenditures for postcards, paper, printing, postage, and name badges.

Ms. Whittle 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. Whittle 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. Whittle to be intelligent and knowledgeable.

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

(a) I made a presentation about the Foster Care Review Division, Guardian ad Litem Program, Continuum of Care and Investigations Unit for Orientation School for New Family Court Judges on May 16, 2024.

(b) I made a presentation a presentation about the Department of Children's Advocacy and children's legal issues at the South Carolina Conference of Family Court Judges Spring meeting on April 19, 2024.

(c) I co-presented on the topic of a legislative update concerning statutes affecting children at the S.C. Bar Convention on January 20, 2024.

(d) I lectured for Professor Margaret Bodman's Children and the Law class at the University of South Carolina School of Law on the topic of Termination of Parental Rights on September 25, 2023.

(e) I made a presentation on the topics of a legislative update and panel discussion at the S.C. Bar Convention on January 22, 2023.

(f) I served as the organizer and moderator on the topic of "Human Trafficking: Legal and Substance Abuse Implications in Family Court" at the Medical University of South Carolina (MUSC) Department of Psychiatry and Behavioral Services at the 39th Annual Judges and Attorneys Substance Abuse and Ethics Conference on December 2, 2022.

(g) I made a presentation on the topic of Safe Babies Courts at the Hot Tips from the Coolest Domestic Law Practitioners seminar on September 23, 2022.

(h) I provided a lecture at Aiken Technical College on the topic of Child Protection Hearings at the S.C. Bar's Law School for Non-Lawyers on September 20, 2022.

(i) I made a presentation about children's legal advocacy at the S.C. Bar Convention Children’s Law Section on January 22, 2022.

(j) I served as the organizer and moderator on the topic of "The Intersection of Adolescent Mental Health and Juvenile Justice" at the Medical University of South Carolina (MUSC) Department of Psychiatry and Behavioral Services 38th Annual Judges and Attorneys Substance Abuse and Ethics Conference on December 3, 2021.

(k) I made a presentation about the statutory role of the Department of Children's Advocacy for the Family Court Judges' Conference on September 16, 2020.

(l) I made presentations on the topic of child testimony in Family Court at Children's Law Center CLEs on July 14, July 16, August 24 and August 26, 2020.

(m) I provided presentations about Family Court pre-hearing conferences at trainings on August 12, 2020 and August 19, 2020.

(n) I made a presentation for parents' attorneys at the Commission on Indigent Defense CLE on June 12, 2020.

(o) I made a presentation on the topic of preparing family preservation cases for court, staffing emergency matters, and other matters at the Intensive Bootcamp Training for Child Welfare Attorneys CLE on September 20, 2018.

(p) I made a presentation on the topics of timely hearings and Title IV-E language in court orders at the Intensive Bootcamp Training for Child Welfare Attorneys CLE on September 19, 2018

(q) I made a presentation on the topic of Safe Haven for Abandoned Infants Act (Daniel's Law) at the Intensive Bootcamp Training for Child Welfare Attorneys CLE which was held on September 19, 2018

(r) I presented on the subject of Title IVe compliance in concert with achieving permanence and improving outcomes for children at the DSS Paralegal Seminar CLE on August 28, 2018.

(s) I presented a training regarding chain of custody in drug cases, Jaidon's Law, Requests to Admit, and depositions de bene esse at the Special Topics in Child Protection Cases CLE on April 27, 2018.

(t) I made a presentation regarding how lawyers and case managers should staff and prioritize cases at Intensive Bootcamp Training for Child Welfare Attorneys CLE on February 15, 2018

(u) I made a presentation regarding Title IV-E and the Legal Case Management System at Intensive Bootcamp Training for Child Welfare Attorneys CLE on February 14, 2018.

(v) I made a presentation regarding Daniel's Law at Intensive Bootcamp Training for Child Welfare Attorneys CLE on February 14, 2018.

(w) I co-presented about proof and practice issues regarding DSS termination of parental rights actions to a class of law students at the University of South Carolina School of Law on January 29, 2018.

(x) I co-presented at a training for Children's Law Center court liaisons who observe and report information regarding abuse and neglect court actions throughout the state on January 5, 2018.

(y) I presented at the annual statewide South Carolina Solicitors' conference regarding DSS's role in addressing criminal conduct which included information about modification of bonds to allow parents to participate in treatment services with DSS while subject to criminal bond, court coordination protocol, law enforcement protocol, sharing of information and confidentiality, and victim witness assistance issues on September 26, 2017.

(z) I conducted presentations on September 15, 2017 in Greenville and on September 13, 2017 in Florence for the Fatherhood Initiative about what the DSS abuse and neglect process is, how court is involved, how fathers get notice of actions, and other matters related to non-custodial parents.

(aa) I provided training regarding docket management to avoid continuances, achieve permanence, and improve outcomes for children at the Paralegal Seminar on June 30, 2017.

(bb) I provided internal legal training to Out of Home Abuse and Neglect (OHAN) investigators regarding law applicable to OHAN investigations on April 24, 2017.

(cc) I presented training about Daniel's Law (The Save Haven for Abandoned Infants) and its statutory provisions to expedite permanence for abandoned infants at DSS Attorney Boot Camp CLE on February 14, 2017.

(dd) I conducted four separate trainings throughout the state for Regional and Managing Attorneys to share information learned at the National Association of Conference for Children (NACC) conference regarding permanence for children in the Fall of 2016.

(ee) I provided training at the DSS Paralegal Seminar CLE on August 26, 2016.

(ff) I provided training on the subjects of Title IVe and confidentiality at the DSS Boot Camp for Lawyers CLE on February 10, 2016.

(gg) I provided training concerning the identification of cases involving Indian children and the application of the federal Indian Child Welfare Act (ICWA) and child welfare practice on November 20, 2015.

(hh) I provided training regarding the roles and responsibilities of a DSS attorney at the Identifying Representation Issues: Strategizing Solutions CLE on October 2, 2015.

(ii) I provided a presentation about the Legal Case Management System at the Best Legal Practices for Paralegals seminar on August 21, 2015.

(jj) I provided best practice training tips concerning Daniel's Law (Safe Haven for Abandoned Infants Act) and Jaidon's Law (regarding drug abuse). These training tips were professionally videoed on April 7 and 8, 2015 for statewide training use by SCDSS.

(kk) I provided statewide training on a monthly basis to attorneys and paralegals for use of the statewide Legal Case Management System (LCMS) as a practice and data tool to improve legal permanency for children and families from March of 2015 through May of 2019.

(ll) I made a presentation regarding the role and responsibilities of the agency attorney and working with other agencies at Intensive Boot Camp Training for Child Welfare Attorneys CLE on February 12, 2015.

(mm) I made a presentation on the topic of confidentiality and handling requests for agency records at Intensive Boot Camp Training for Child Welfare Attorneys CLE on February 12, 2015.

(nn) I provided presentations at the Paralegal Seminar CLE on August 22, 2014 and May 17, 2013.

(oo) I made a presentation regarding child sexual abuse cases at the Prosecuting Child Sexual Abuse Cases in Family Court CLE on May 31, 2013.

(pp) I provided training regarding trial preparation in child abuse and neglect cases and adult protective services cases at a Continuing Legal Education seminar in February of 2013.

(qq) I provided a presentation regarding DSS processes to members of multi-disciplinary teams (MDTs) across the state of South Carolina at the Multi-Disciplinary Training with the Children's Law Center in January of 2013.

(rr) I made a presentation to attorneys at the Program DSS Attorneys' Training CLE in May of 2012.

(ss) I provided training regarding child and adult protective services the Boot Camp Training for New DSS Attorneys CLE in January and February of 2012.

(tt) I provided training at the Court-Appointed Parents' Attorneys and DSS Attorneys in DSS actions CLE in April of 2011.

(uu) I provided a presentation regarding implementation of the Court Coordination Protocol at the South Carolina Mini Summit on Justice for Children in December of 2010.

(vv) I provided a paralegal training at the University of South Carolina Center for Child and Family Studies program in May of 2008.

(ww) I provided a presentation regarding implementation of the Court Coordination Protocol at the South Carolina Professional Society on the Abuse of Children Conference which was held on April 17 and 18, 2008.

(xx) I co-developed and implemented the Aiken County Court Coordination Protocol which included providing training for Family Court Judges, Magistrates, Solicitors, Public Defenders, private attorneys, and Circuit Court Judges between 2007 and 2011.

(yy) I provided ongoing training for Aiken DSS staff regarding legal and court processes including appropriate dress and demeanor in court, timeliness and accuracy of document preparation, and what to expect when testifying in court from 2007 through 2015.

(zz) I provided numerous after-hours, two-hour presentations to volunteer guardians ad litem regarding DSS procedure and applicable law from intake through termination of parental rights. Four training sessions were held in 2014. Trainings occurred at least once per year during an 11-year period between 2006 and 2015.

Ms. Whittle reported that she has published the following:

(a) South Carolina Adoption Law and Practice James Fletcher Thompson (SC Bar CLE 2023), Editorial Board.
(b) 2023 Annual Report (State Child Fatality Advisory Committee, 2024), Contributing Author.
(c) 2023 Annual Report (S.C. Dept. of Children's Advocacy, 2024), Contributing Author.
(d) 2022 Annual Report (S.C. Dept. of Children's Advocacy, 2023), Contributing Author.
(e) 2022 Annual Report (State Child Fatality Advisory Committee, 2023), Contributing Author.
(f) "Safe Babies Courts Launched in South Carolina Benefits Children, Families, and the Judicial Process" (S.C. Lawyer July 2022), Author.
(g) "Advocating for Permanency," (S.C. Dept. of Children's Advocacy The Advocate newsletter June 2022), Author.
(h) "Advocacy for a State-Operated Psychiatric Residential Treatment Facility," (S.C. Dept. of Children's Advocacy The Advocate newsletter February 2022), Author.
(i) 2020-2021 Annual Report (S.C. Dept. of Children's Advocacy, 2021), Contributing Author.
(j) 2019-2020 Annual Report (S.C. Dept. of Children's Advocacy, 2020), Contributing Author.
(k) Bench-Bar Best Legal Practices in Child Abuse and Neglect Cases (University of South Carolina Children's Law Center 2018), Contributing Member.
(l) The Advocate newsletters (S.C. Dept. of Children's Advocacy 2020-2024), Contributing Author.

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

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

The Commission also noted that Ms. Whittle 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. Whittle reported that her rating by a legal rating organization, Martindale-Hubbell, is Notable rating.

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

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

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

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

(8) Experience:
Ms. Whittle was admitted to the South Carolina Bar in 1995.

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

(a) November, 1995 to July, 2005
Johnson, Johnson, Whittle and Snelgrove, Attorneys, P.A., Aiken, South Carolina
I represented litigants primarily in Family Court including protection from domestic abuse, divorce, separate support and maintenance, custody, visitation, child support, adoption, correction of birth certificates, name changes, alimony, equitable distribution, attorney's fees, and abuse and neglect. I also handled Probate Court matters and real estate closings. I had signature authority for checks but did not manage trust accounts.

(b) July, 2005 to September, 2011:
Attorney II with Department of Social Services (DSS), Barnwell, South Carolina
I represented DSS in child abuse and neglect and Adult Protective Services (APS) matters. I did not have signature authority for checks and did not manage trust accounts.

(c) September, 2011 to July, 2015
Attorney III with Department of Social Services, Aiken, South Carolina

I represented DSS in child welfare and adult protective services cases. I served as the managing attorney for the Second Judicial Circuit. I did not have signature authority for checks and did not manage trust accounts.

(d) July, 2015 through June, 2019

Assistant General Counsel (Attorney IV) with Department of Social Services, Columbia, South Carolina

I represented DSS in Family Court proceedings and administrative matters, and I worked with other attorneys regarding civil litigation in state and federal courts. I did not have signature authority for checks and did not manage trust accounts.

(e) October, 2018 to June, 2019

South Carolina Children's Guardian Services, Aiken, South Carolina

I was co-owner and operator of a private training company. I co-created a program to offer initial and continuing training for lay guardians ad litem for children in private (non-DSS) family court matters. I discontinued my role in the business and the training when I was appointed to my current position in June of 2019. I did have signature authority for the checking account and did not manage a trust account.

(f) July, 2019 to Present

State Child Advocate and State Director of the South Carolina Department of Children's Advocacy, Columbia, South Carolina

I continue to appear in court and be involved in family court matters in my role as the State Child Advocate and State Director of an independent state agency with 222 employees and approximately 1500 volunteers. The agency administers the Cass Elias McCarter Guardian ad Litem Program, the Foster Care Review Division, S.C. Heart Gallery, S.C. Continuum of Care, and System Improvement Division. I participate in staffings regarding children and youth concerning matters of abuse and neglect, juvenile justice involvement, mental illness, substance use, autism, intellectual disabilities, related disabilities, and human trafficking. I review and approve purchase orders and procurement card purchases. I do not have signature authority for checks and do not manage trust accounts.

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

DIVORCE AND EQUITABLE DISTRIBUTION OF PROPERTY – I have represented parties in divorces on fault and no-fault grounds. I have represented parties for which there was no property to be divided and for matters which included equitable division of significant property. This included requesting and/or attending temporary hearings, engaging in

discovery, preparing witnesses for testimony, and creating exhibits for trial. I have assisted clients with preparing financial declarations and affidavits for temporary hearings and have tried cases in family court concerning divorce, child-related matters including custody, and equitable distribution. I have handled divorces that included (and did not include) child custody, visitation, child support, alimony, and attorney's fees.

One of the most significant cases I handled was a contested domestic matter regarding the parties' final divorce decree concerning equitable distribution. This was a significant matter because of the contested and complicated nature of the issues which included equitable distribution, transfer of assets, contempt, and attorney's fees. Another significant case I handled was an action for separate support and maintenance with no fault grounds, no children, few assets, no debt, and a lengthy marriage. I represented the Wife, and the primary point of contention involved canned fruit. Both sets of parties were equally upset with each other and with their situations, and I tried to bring a sense of calm to my clients.

CHILD CUSTODY – I have represented parties concerning child custody in private matters and in DSS actions, and I have received and responded to complaints related to this issue in my current role. I have experience regarding the different factors to be considered in a private custody case (parental fitness and best interests) as compared with a public custody case (abuse and neglect and best interests). I have also served as guardian ad litem in child custody matters. One of the most significant child custody cases I handled spanned more than four years during which the custodial parent fled the state and then fled the country with the parties' child. I successfully argued for a transfer of custody to my client to trigger the application of the Parental Kidnapping Protection Act and involvement of the State Department and the National Center for Missing and Exploited Children. With a great deal of coordination, we located the child, who was returned to the United States and to my client. In another matter, I represented a legal, but not biological, father in seeking custody when the mother did not return the child after a visit then immediately filed a custody and child support action in another state. Although the child had lived in South Carolina her whole life, neither parent had an order of custody establishing South Carolina as the home state prior to the out-of-state action being filed. I effectively represented my client, and he was awarded custody.

ADOPTION - While in private practice, I represented adoptive parents and advised biological parents about consent and relinquishments for adoption. I served as a guardian ad litem for children in private adoption proceedings and represented the Department of Social Services in public adoption actions. One of the most significant adoptions I handled occurred while I was an attorney for the Department of Social Services. The case went to the Court of Appeals in 2013 and resulted in Unpublished Opinion No. 2013-UP-368. This was significant based on the application of the Indian Child Welfare Act, including the burden of proof of beyond a reasonable doubt required for termination of parental rights as opposed to the burden of proof of clear and convincing evidence for non-ICWA termination of parental rights and adoption proceedings. While working as an Assistant General Counsel, I represented DSS in approximately 100 adoptions. Since being in my current role, I have responded to complaints from parties with adoption-related issues. I also served on the editorial board and provided written recommendations to Attorney James Fletcher Thompson for his book South Carolina Adoption Law and Practice which was published in 2023.

ABUSE AND NEGLECT - I am certified as a Child Welfare Law Specialist (CWLS) through the National Association of Counsel of Children and recognized by the South Carolina Bar. I have represented defendant parents, guardians ad litem, and the Department of Social Services in abuse and neglect actions. I handled Adult Protective Services (APS) and Child Protective Services (CPS) matters including family preservation and foster care cases at probable cause, merits, judicial review, termination of parental rights, and appellate hearings including oral argument before the South Carolina Supreme Court. I served as the Interim Internal Monitor for the Michelle H. federal class action lawsuit concerning child welfare reform, and I have attended state and national trainings including the National Judicial Leadership Summit on Child Welfare in 2019. One of the most significant child abuse and neglect matters I handled concerned preparing a young child to testify about sexual abuse. I was able to successfully argue a South Carolina Code of Laws Section 19-1-180 motion to have the child's out-of-court statements admitted into evidence and to avoid having the child testify about sexual abuse during the Family Court merits hearing. I continue to be regularly contacted to appear in court or otherwise assist in Family Court matters concerning abuse and neglect.

JUVENILE JUSTICE - I partnered with the Departments of Mental Health, Juvenile Justice, and Health and Human Services to advocate for funding from the General Assembly to create a state-operated psychiatric residential treatment facility (PRTF) for seriously mentally ill justice-involved youth to address the statutory requirements of S.C. Code of Laws Section 63-19-1450(A). I have been involved with discussions among the Departments of Disabilities and Special Needs, Juvenile Justice, Health and Human Services, Mental Health, and Social Services to address intellectually disabled, justice-involved youth as outlined in statute. I have handled cases concerning youth who were involved with juvenile justice. I was appointed to the Governor's Juvenile Justice Advisory Council (GJJAC) by Governor Henry McMaster in 2021, served as chairperson of the System Improvement Subcommittee for approximately two years, and attended the Coalition for Juvenile Justice conference in May of 2022. I co-created and implemented the The Juvenile Court Program which included court observation in Richland, Aiken, and York counties. I have visited with youth and staff at all of the facilities operated by the Department of Juvenile Justice including the evaluation centers, detention center, and Broad River Road Campus (BRRC). I am regularly contacted to appear in court or otherwise assist in Family Court juvenile justice matters.

The frequency of my appearances before a Family Court judge was at its height between 2005 and 2015 when I handled approximately 25 hearings weekly. My approximate frequency before a Family Court Judge has been on a monthly basis within the past five years in addition to reviewing pleadings and court orders regarding hearings I have not attended.

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

(a) Federal: Minimal

I have attended federal court twice as an observer for Michelle H. hearings in the past five years and attended and/or participated in mediation in my role as Interim Internal Monitor and litigation liaison for the Department of Social Services approximately 4 times per year beginning in November of 2015 and through May of 2019;

(b) State: Weekly or monthly

In the past five years, the frequency of my court appearances has varied between weekly and monthly for the Juvenile Court Program, Guardian ad Litem Program, when requested by a Family Court Judge,

and when responding to a complaint. Between 1995 until 2015, the frequency of my court appearances was weekly, and I handled approximately twenty-five hearings each week from approximately 2005 until 2015. From 2015 until 2019, the frequency of my court appearances was several times each month as I handled adoption finalizations and complex litigation.

Ms. Whittle 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: 0%;
(c) Domestic: 65%;
(d) Other: 30%.

Ms. Whittle reported the percentage of her practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: Jury: 0%; Non-jury: 100%.
(b) Number of cases that went to trial and resulted in a verdict: Not applicable.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: Not applicable.
(d) Number of cases settled after jury selection but prior to opening statements: Not applicable.

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

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

(a) Helton v. Helton, Aiken County Family Court.
1994-DR-02-1684 / JR#81,490
I represented the husband in a portion of a contested domestic matter. My representation dealt with contempt actions regarding the parties' court-ordered equitable distribution. This was a significant matter because of the contested and complicated nature of the issues which included equitable distribution, transfer of assets, contempt, laches, unclean hands, and attorneys' fees.

(b) Holt v. Wagner, Aiken County Family Court.
1993-DR-02-63

I represented the father in a contested child custody matter which was significant, because the mother was the custodial parent and fled the state, then fled the country, with the parties' child. I successfully argued the application of the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) when the child was taken to another state, and I successfully argued for a transfer of custody to trigger the application of the Parental Kidnapping Protection Act (PKPA) and involvement of the State Department and the National Center for Missing and Exploited Children. With a great deal of coordination, the child was located, and we worked with the other country to have the child returned home to his father.

(c) Hatcher v. Moore, Aiken County Family Court and Court of Appeals.

2004-UP-332 Filed May 17, 2004

I represented the mother in this termination of parental rights action brought by the minor child's paternal grandparents. We were successful in family court, and the paternal grandparents appealed. The appellate court cited Santosky v. Kramer, 455 U.S. 745 (1982) in affirming the family court order which denied the termination of my client's rights. This was a significant case for me, because I handled it as a relatively young lawyer, and a seasoned lawyer represented the plaintiffs. This matter was significant, because, although the appellants' best interest argument was compelling, they were not able to meet their burden of proof regarding the grounds for termination of parental rights.

(d) S.C. Dept. of Social Services v. Lauren M., et.al., Aiken County Family Court and Court of Appeals.

2013-UP-367 Filed September 30, 2013

I represented the Department of Social Services in this contested termination of parental rights and adoption matter that involved child abuse and neglect and the Indian Child Welfare Act. The case went to the Court of Appeals in 2013 and resulted in an Unpublished Opinion No. 2013-UP-368 and was significant based on the application of the Indian Child Welfare Act, including the burden of proof of beyond a reasonable doubt required for termination of parental rights as opposed to the burden of proof of clear and convincing evidence for non-ICWA termination of parental rights and adoption proceedings.

(e) S.C. Dept. of Social Services v. D.T., et.al, Aiken County Family Court

confidential case, unreported

I represented the Department of Social Services in this legal proceeding which concerned sexual abuse allegations and the potential testimony of

a young child. I was able to successfully call witnesses and argue a South Carolina Code of Laws Section 19-1-180 motion to have the child's out-of-court statements admitted into evidence and to avoid having the child testify about sexual abuse during the Family Court merits hearing.

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

(a) Hatcher v. Moore
South Carolina Court of Appeals
Appeal from Aiken County Family Court
Filed May 17, 2004
2004-UP-332

(b) South Carolina Department of Social Services v. Kelley S., et.al.
South Carolina Court of Appeals
Appeal from Barnwell County Family Court
Filed August 19, 2009
No. 2009-UP-404

(c) South Carolina Department of Social Services v. Tyesha H., et.al.
South Carolina Court of Appeals
Appeal from Allendale County Family Court
Filed August 29, 2011
2011-UP-408

(d) Ex Parte: Wells In Re: S.C. Dept. of Social Services v. Mother and Father
South Carolina Supreme Court
Appeal from Aiken County Family Court
Filed March 7, 2012
2012-MO-002

(e) S.C. Dept. of Social Services v. Shawna O., et.al.
South Carolina Supreme Court on *writ of certiorari*
Appeal from Aiken County Family Court
Filed July 11, 2012
2012-MO-027

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

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Whittle 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: "Excellent candidate particularly with all the issues in Family Court now. Very compassionate with the juveniles."

Ms. Whittle is married to James Edward Whittle, Jr. She has three children.

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

(a) Aiken County Bar Association
-Secretary, late 1990s or early 2000s
(b) American Bar Association
(c) National Association of Counsel for Children (NACC)
-Child Welfare Law Specialist, 2018- present
(d) South Carolina Bar Association
-Child Welfare Law Specialist certification, 2018 to present
-Chair of Children's Law Committee, July 2023 to present
(e) United States Ombudsman Association
-Children and Families Chapter
-Healthcare Chapter
(f) South Carolina Women Lawyers Association
(g) South Carolina Family Law American Inn of Court

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

(a) Aiken First Baptist Church – currently serving as children's prayer partner, Bylaws Committee, and Bereavement Committee; formerly served as Deacon, Vice-Chair of Deacons, Transition Team Chairman, nursery and toddler room volunteer, Baptism Committee,

Nominating Committee, church league basketball coordinator, Mission Friends leader, and Children's Sunday School teacher (Member, 2007 to present)

(b) 988 State Advisory Board
(c) Children's Justice Act Task Force
(d) Children's Law Center Bench-Bar Committee
(e) Governor's Juvenile Justice Advisory Council (State Advisory Group member; Chair of the System Improvement committee from 2021-2023)
(f) Human Trafficking Task Force
(g) Joint Counsel for Children and Adolescents (Member, 2019 – present; Chair 2020)
(h) Joint Citizens and Legislative Committee on Children, ex officio member (2023–present)
(i) KinCarolina Advisory Council
(j) Master Plan Advisory Committee
(k) Medical Care Advisory Committee
(l) Safe Babies Court Advisory Committee
(m) South Carolina Behavioral Health Coalition
(n) State Child Fatality Advisory Committee (Member, 2019-present; Chair 2022-2024)
(o) State Crisis Intervention Advisory Board
(p) Suicide Prevention Coalition

Professional honors, awards or other forms of recognition not listed elsewhere:

(q) Keynote speaker, Aiken United Way, Women United Gala (2024)
(r) Speaker, Fostering the Family (April 2023 and April 2024)
(s) Speaker, Bible Way Church (2022)
(t) Commencement speaker, University of South Carolina-Aiken (December 2019)
(u) Guest speaker, Aiken Woman's Club (2019)
(v) Employee of the Month, S.C. Dept. of Social Services (2018)
(w) Keith Frazier Team Award, S.C. Dept. of Social Services (2017)
(x) "A Hero for Children Individual Award," S.C. Dept. of Social Services (2013)
(y) "Together Forever for Kids" Team Awards, S.C. Dept. of Social Services (2013)

(z) Certificate of Appreciation for Outstanding Service and Dedication to the Children of South Carolina, Dept. of Social Services Managed Treatment Services (2001)

Ms. Whittle further reported:
People come to Family Court at some of the most difficult times in their lives. My life experiences have taught me to not only be compassionate, kind, and patient but also to be clear and decisive in difficult moments. I respect and honor the legal system, and, from starting law school at the age of age twenty to completing a graduate program at the age of fifty-two, I have worked hard to contribute to the legal system and to remain professionally competent.

I am grateful for a diverse legal career in the area of family law, and I believe my education and experiences, both personal and professional, have allowed me to develop a unique perspective and appropriate temperament to serve as a Family Court Judge. It is an extraordinary honor to be considered for this role.

(11) Commission Members' Comments:
The Commission commented that Ms. Whittle has a wide breadth of knowledge about family court issues and a true passion for juveniles. They remarked that her experience and positive feedback from her peers make her an excellent candidate for Family Court Judge.

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

The Honorable Angela W. Abstance
Family Court, Second Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Abstance was born in 1975. She is 49 years old and a resident of Denmark, South Carolina. Judge Abstance provided in her application

that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

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

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

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

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

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

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

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

Judge Abstance reported that she has published the following:
"Are Employer Credit Checks on the Way Out?" (South Carolina Lawyer, November, 2013)

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

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

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

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

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

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

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

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

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

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

(a) The Moore Firm, LLC, 2001-2008.

Upon graduation from law school, I worked as an associate attorney at The Moore Firm, LLC in Barnwell, South Carolina. During this time, I practiced in the areas of family law (including cases involving divorce, custody, visitation, equitable distribution, adoptions, domesticating

foreign adoptions, and defending parents in SCDSS abuse and neglect cases, representing the volunteer GAL program in DSS cases), civil litigation, personal injury, probate, real estate, and post-conviction relief cases, as well as Social Security disability cases. I also drafted wills. I practiced in state and federal court and participated in civil appeals, including writing appellate briefs. At that time, I was not involved in the financial management of the firm. My work involved extensive client contact, legal writing, court appearances, representation in depositions, and interaction with other attorneys and judges.

(b) South Carolina Department of Social Services staff attorney, Fourteenth Judicial Circuit, 2008-2011.

In this position, I was the sole attorney responsible for handling abuse and neglect cases for the Department of Social Services in Colleton, Hampton, and Allendale Counties. In that capacity, I was usually in court at least three weeks per month. I regularly tried contested cases involving issues of abuse and neglect, including physical and sexual abuse cases in which entry of Defendants on the Central Registry of Child Abuse and Neglect was at issue. I was responsible for managing the docket, scheduling cases to be heard in a timely manner, presenting and trying cases in court, supervising the paralegals who assisted in the legal department, ensuring correct data was entered into the case management system, and interacting with attorneys and caseworkers.

(c) Abstance Law Firm, LLC, 2014-2018

I operated a solo law practice in my hometown of Barnwell, South Carolina, and I was solely responsible for the administrative and financial management of my practice, including the trust account. I supervised a part-time administrative assistant. I was a certified Family Court Mediator. I was also a 608 contract attorney with the Office of Indigent Defense and appeared regularly in court representing parents in abuse and neglect cases in the Second and Fourteenth Circuits. I handled private cases in Family Court and regularly served as a guardian ad litem. I handled guardianship/conservatorship actions in Probate Court, and served as guardian ad litem for minors or unknown heirs in Probate Court when needed. I regularly interacted with clients, attorneys, judges, guardians and litem, and Family Court and Probate Court personnel. I also drafted Wills and Deeds for clients. I handled a small percentage of personal injury cases.

(d) Family Court Judge 2018 to present.

I have had the privilege of serving as Family Court Judge in the Second Judicial Circuit, Seat 2, since 2018.

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

I have served as Family Court Judge for the Second Judicial Circuit, Seat 2 since July of 2018. The Family Court has jurisdiction as set forth in South Carolina Code section 63-3-510 through 63-3-530, and the court handles issues of separate support and maintenance, divorce, child custody and child support, delinquency, child abuse and neglect, termination of parental rights, and adoption.

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

(a) Norma A. Estrada Baez v. Oscar Serralde Solano, Case Number available upon request, 2024-UP-283, 2024 WL 3549737. In this case, Plaintiff requested the court issue an order granting her custody of the child and making findings concerning Special Immigrant Juvenile status pursuant to 8 C.F.R. section 204.11(a), (c), (d). I dismissed this case because all issues of divorce, custody, and child support were previously handled by a court in Mexico. Plaintiff did not register the court order from Mexico in South Carolina for enforcement, and Father still lived in Mexico. Pursuant to the Uniform Child Custody Jurisdiction Act (UCCJEA), Mexico maintained exclusive jurisdiction over custody determinations involving this child. The Court of Appeals upheld my ruling in an unpublished opinion.

(b) State of South Carolina v. REDACTED, Case Number available upon request. In this juvenile case, I held a contested waiver hearing to determine whether the juvenile should be waived up to the court of General Sessions for disposition of murder charges. This case required careful consideration of the factors in Kent v. United States, 383 U.S. 541 (1966) in determining whether it was in the best interest of the child and the community to transfer the case to adult criminal court.

(c) Chad Reynolds v. Kathleen Stone, Case Number available upon request, 2024-UP-172. In this change of custody action, I found Plaintiff Father had proven a substantial change in circumstances and that awarding custody to Father was in the child's best interest. The Court of Appeals affirmed my ruling in an unpublished opinion.

(d) Linda Schewe-Gries v. Brett E. Gries, Case Number available upon request. The Plaintiff in this case sought a divorce, alimony, and equitable division under several theories; 1) that the parties were married in Mexico; 2) the parties had a common law marriage in South Carolina; or 3) that she was entitled to relief as a putative spouse under an Illinois statute. I found the ceremony in Mexico was not a legal marriage, the parties did not meet the requirements of a common law marriage in South Carolina, and the Illinois putative spouse statute did not provide Plaintiff any relief under these facts.

(e) Caroline Rebecca Moore v. Darren Scott Smith, Case Number available upon request, 441 S.C. 261, 892 S.E.2d 552 (Ct.App. 2023). This matter was a highly fact-specific case that revolved around whether the proper remedy for husband's failure to disclose a lien on the marital home which was awarded to wife was through a contempt action, a Rule 60(b) motion to set aside the final order of equitable division, or a motion to enforce the warranty provision in the final settlement agreement. Husband's failure to disclose the loan caused Wife to pay the lien upon the sale of the home, and Wife sought reimbursement from Husband. The action was tried as a contempt hearing. I found Husband was not in willful contempt of the Final Order by failing to indemnify Wife, and the Court of Appeals agreed. However, the Court of Appeals found the Family Court could enforce the Final Order's payment and indemnification terms in the rule to show cause action by ordering Husband to pay the lien amount as well as Wife's attorney fees, even without making a finding of contempt, because Husband had failed to meet his obligation to hold harmless and indemnify Wife for the balance of the lien.

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

(9) Judicial Temperament:

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Abstance 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 noted: "An asset to the Family Court bench—Her concern for the children impressed the Committee."

Judge Abstance is married to Robert M. Abstance, III. She has three children.

Judge Abstance reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association 2001 to present
(b) Member of Barnwell County Bar
(c) Member of Bamberg County Bar
(d) Member of Aiken County Bar

Judge Abstance provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) member of First Baptist Church of Denmark, South Carolina, currently serving as deacon
(b) member of the South Carolina Conference of Family Court Judges

Judge Abstance further reported:
I grew up in Barnwell County, South Carolina, and I was the first person in my immediate family to graduate from college. My mother worked at Savannah River Site, and my father ran his own mechanic shop in Barnwell. I graduated from Barnwell High School, then graduated from Furman University in Greenville and went on to law school at the University of South Carolina. After graduating from law school, I returned to my hometown of Barnwell to practice law. Practicing law in a small town has its unique opportunities and challenges. I worked with people who had substantial resources and assets as well as people who were much less well off. I handled a wide variety of different kinds of cases in a general practice law firm, and it was an honor and privilege to serve as an attorney helping families with all different types of legal matters they encountered over the years. I appreciated earning that trust from my clients that allowed me to assist them in multiple matters. As

the practice of law has become more specialized, I think this kind of practice has become more rare.

As Family Court judge, I have seen first hand the problems of drug addiction and overdoses on families in our rural circuit. In the rural areas of our state, we struggle to find the mental health and substance abuse resources to help children and families overcome their challenges. In DSS cases, I have worked with the Department of Children's Advocacy, the Department of Mental Health, and the Department of Disabilities and Special Needs on tough cases to find the resources our children in foster care desperately need. The lack of qualified residential treatment facilities for children in foster care is a significant challenge. I also try to emphasize education for our children in the DJJ and DSS systems. I realize that caseworkers are rightfully concerned with the immediate need to place children in a safe environment, but unfortunately sometimes education takes a backseat. When children in foster care are moved frequently to many different placements, they often fall behind in school. While they may be enrolled in school, they may not be accumulating credits toward graduation. I routinely request transcripts to see how many credits children are gaining toward graduation. I also try my best to ensure that if children must change foster care placements, that they can maintain treatment with their current mental health provider until a new provider is found in the new county to minimize the time without mental health care. I hope my insistence on these issues reminds caseworkers and guardians ad litem to ask the same questions, with a goal of improving outcomes for the children in foster care.

In private actions, I think you will hear that I encourage lawyers to present their cases with civility and courtesy. I firmly believe that litigants must continue to deal with each other long after the lawyers and the court have closed their files, and we owe it to them to get them through this adversarial process with as little animosity as possible.

I am so thankful for the privilege of serving as a Family Court Judge. In my law practice, I always tried to help people solve problems. As a Family Court Judge, I have the opportunity every day to engage with people who are going through some of the most challenging times in their lives. My goal is always to help people resolve their issues in a fair and equitable manner. I sincerely try to ensure people leave my courtroom feeling respected and heard, even if they don't agree with every aspect of my ruling. Each day, my goal is to have empathy and

compassion for the people entering the courtroom, and I strive for wisdom in my decisions. In the Family Court, we have a unique opportunity to affect directly the lives of fathers, mothers, and children. I try to help these cases move along as swiftly as possible so people can move forward with their lives.

I believe my position as a Family Court Judge allows me to help people solve problems every day, and I hope to continue doing that work for the people of South Carolina.

(11) Commission Members' Comments:
The Commission commended Judge Abstance for her good reputation and dedication to serving the people of South Carolina in the Family Court. Her empathy, willingness to listen, and temperament have contributed to her success in effectuating her duties as a Family Court judge.

(12) Conclusion:
The Commission found Judge Abstance qualified, and nominated her for re-election to the Family Court, Second Judicial Circuit, Seat 2.

William A. W. Buxton
Family Court, Third 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, Third Judicial Circuit, Seat 1, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

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

Mr. Buxton was born in 1970. He is 54 years old and a resident of Sumter, South Carolina. Mr. Buxton 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. Buxton.

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

Mr. Buxton 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. Buxton 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. Buxton to be intelligent and knowledgeable.

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

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

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

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

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

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

Mr. Buxton reported that he has held the following public office:
Sumter Design Review Board appointee. 2013-2021.

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

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

(8) Experience:
Mr. Buxton was admitted to the South Carolina Bar in 2009.

He gave the following account of his legal experience since graduation from law school:
(a) Law Clerk to Master in Equity, Mikell R. Scarborough 2007-2008
I began working as a Law Clerk for Judge Mikell R. Scarborough in September of 2007. The position included reviewing cases that pertained to quiet title actions, partition actions, foreclosures, leading the Mater's auctions on the Courthouse steps, sitting in on and assisting the Judge during motion hearings and trials in the courtroom. I assisted in the editing and updating of the Master's Auction List. This list contained the property address, tax parcel number, the lender, the lender's amount that would be accepted at auction, in addition to various other information that the Judge would direct to include. This position also included the opening of files from Orders of Reference as they were

received and reviewing pleadings, deeds, and other similar materials that entered the office.

(b) T. Edwards Law Firm, LLC 2008-2009 – part-time legal assistant

I worked in this office on a part-time basis and the position included the drafting of pleadings, motions, and orders, coordinating service on defendants, preparing temporary hearing packets, as well as entering billing.

(c) Curtis & Croft, LLC 2010-2022 Associate Attorney

As an associate attorney, I handled all matters in the Family Court and Probate Court. I also handled complex real estate such as quiet title actions and partition actions, while also handling regular real estate closings and re-finances. In the Probate Court, I handled the opening of estates, petitions to sell real estate, determinations of heirs petitions, petitions for guardianships and conservatorships, as well as estate planning. I handled every aspect of the Family Court cases. I typically had one paralegal and was involved in the management of this paralegal. I did not handle any other administrative duties or managing trust accounts, except for keeping up with billing on the Family Court files and Probate files.

(d) South Carolina Commission on Indigent Defense, 608 contract employee, 2014-present

I began as a SCCID contract attorney when the program was started in 2014 and continue to serve as a contract attorney today. I am appointed to represent vulnerable adults and parents that are involved in abuse and neglect cases in Sumter, Clarendon, Lee, and Williamsburg Counties. When needed and able, I accept appointments in other counties as well.

(e) Law Office of William A. W. Buxton, LLC 2022- present

I started this practice in October of 2022. The majority of my case work is private actions in the Family Court, a large volume of contract cases involving abuse and neglect, termination of parental rights, and adult protective services as an OID attorney. I have been contracted to handle these cases in Sumter, Clarendon, Lee, and Williamsburg Counties (and sometimes in other counties when there is a shortage of attorneys for these cases.) In the Probate Court, I handle Petitions for Guardianship and Conservatorship, the administration of estates and the appointments to serve as the attorney and/or guardian on the petitions for guardianships and conservatorship. I also handle real estate matters, as I am a title agent for Stewart Title. In the Family Court I am appointed as a guardian ad litem on many private actions. I serve as a mediator on Family Court cases, as well. Additionally, I manage the billing and trust accounts and work with a CPA to reconcile the trust accounts and billing on each file.

(f) National Insurance Producer Registry
I took the title exam in 2012 in order to further my real estate work. I am currently a title agent for Stewart Title, and I handle closings as a subcontractor for another law firm.
(g) South Carolina Board of Arbitrator and Mediator Certification as a Family Court Mediator, July 2018.
(h) State of South Carolina Notary Public, term expires January 25, 2026
(i)South Carolina Bar Certified guardian ad litem, 2010
I have served as guardian ad litem in numerous Family Court cases since 2010. I am often appointed by the Court or agree to serve by consent when attorneys have reached out to me to serve in this role.
(j)Paralegal Program Director/Co-Director, Central Carolina Technical College 2024 – present
This part-time position was recently created, and I have not been called to any official work to date with the exception of being asked to assist in placing students in potential internships.

Mr. Buxton further reported regarding his experience with the Family Court practice area:
(a) Divorce and Equitable Division of Property
Hawkins vs. Hawkins; 2018-DR-31-005
This was a Lee County divorce action regarding a long-term marriage with many assets that included real property, personal property, and multiple accounts. This was heavily litigated and eventually settled at mediation.
(b) Child Custody
Paulus vs. Gill and Gill, 2018-DR-43-1318 was a Third-Party Custody Action.
My clients were military and had recently relocated to Sumter. They had two young children but had been asked by the Defendant Mother to care for a toddler from Colorado so he would not get caught up in the Department of Social Services in Colorado the way her other children had been. The Defendant Mother had a history of drug abuse. My client's sister had custody of the Defendant Mother's children in the State of Tennessee. The Defendant Mother typed out a notarized agreement for my clients to have care and guardianship of her third child, while never having met my clients. My clients had this child in their care for four months when the Defendant Mother came to Sumter from Colorado with no notice and took the child from them and headed to Tennessee. I prepared an Emergency Ex Parte Order, and my clients

went to Tennessee to retrieve the child. Law Enforcement in Tennessee stated that they could take the Order and find the child but did not have the authority to "remove" the child from the Defendant Mother. After contacting a Tennessee Family Court Judge's office, the Judge spoke to me and stated that if it was an original Order signed by a Judge in my jurisdiction, he would sign over it and have Tennessee Law Enforcement go retrieve the child, which is what happened the very same day. The case ended with my clients retaining custody of this child.

(c) Adoption

McDaniel and McDaniel, 2012-DR-43-1481

This was an unusual case where I was contacted by the adopting couple stating that their closest friends, who had never wished to have children, became pregnant but did not want the expected baby. My clients requested that I handle this adoption, and I was aware that anything could go sideways prior to and at the birth of this child. I arranged for an attorney to visit the hospital after the 24-hour waiting period to have the birth parents sign a Consent and Relinquishment. That attorney was unable to get to the hospital until almost 72 hours after the birth of the child, which caused great anxiety to both me and my clients. The attorney was ultimately successful in obtaining the signatures, and the adoption was finalized not long after the birth of the child. My clients have stayed in touch over the years and have maintained their relationship with the birth couple and the child calls them "Aunt and "Uncle."

(d) Abuse and Neglect

SCDSS vs. Brown-Gainey and Gainey, 2022-DR-43-00055

I was appointed to represent the Mother/Wife in this case and I was simultaneously hired by the South Carolina Victims Advocate Network to handle the private action for divorce and custody. My client had suffered extensive abuse at the hands of the Father/Husband which included keeping the mother and toddler child locked in a bedroom for days at a time. He exercised great control over her, and I learned through SCCADVASA (South Carolina Coalition Against Domestic Violence and Sexual Assault) that they had been working with my client for years, as they had tried unsuccessfully to extract her from this abusive situation. Over the course of the case, and with the help of SCCADVASA, my client had to live in seclusion, but was able to attain very good employment and further her education. Her ex-husband was continually incarcerated, the last time for removing his ankle monitor against conditions of his bond.

(e) Juvenile Justice

I have not handled any juvenile justice cases, but I have observed those cases when they have become an ancillary case of one of my appointed abuse and neglect cases. A particular case from Horry County comes to mind where I was appointed to represent a mother. The Mother and fifteen-year-old son have been charged with murder. The mother is incarcerated in Horry County and the fifteen-year-old son spent three years at the Juvenile Justice Center in Columbia, but eventually aged out and was transferred to Horry County awaiting trial. SCDSS vs. Watts, Doe; 2023-DR-26-2015

Mr. Buxton reported the frequency of his court appearances during the past five years as follows:
(a) Federal: I have not appeared in Federal Court;
(b) State: Between my private actions and my Indigent Defense contract cases, I am in the Family Court weekly.

Mr. Buxton reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 20%;
(b) Criminal: 0%;
(c) Domestic: 65%;
(d) Other: 15%.

Mr. Buxton reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 75%;
(b) Number of cases that went to trial and resulted in a verdict: 50%.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 20%.
(d) Number of cases settled after jury selection but prior to opening statements:

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

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

(a) Kiggins vs. Kiggins vs. Grzanka; 2018-DR-43-0519.

This was an unusual case where my client prevailed in being awarded custody of his stepdaughter under the Psychological Parent Doctrine.

(b) Statham vs. Statham; 2018-DR-43-0642.

This was a significantly litigated and hard-fought visitation modification case. During the case opposing counsel attempted to thwart a motion for temporary relief using the Servicemembers Civil Relief Act. I opposed and prevailed and motion was heard. Father relocated to Japan during the litigation. Mother started with significantly limited and supervised visitation, but ultimately prevailed in reaching an agreement for unsupervised visitation.

(c) Pepper vs. Pepper; 2014-DR-43-1650.

This case involved custody to my client from her sister.

Alvarez vs. Pepper; 2015-DR-43-931. This case involved the same client as the case above where I defended my client from the biological father's action for visitation.

Pepper vs. Pepper, Alvarez and A.D.P.; 2017-DR-43-1210. This was a third action for the same client which was a termination of parental rights and adoption. These cases are significant because what started out as an action to protect the minor child ended with a third action that completed the circle by finalizing an adoption and creating a family.

(d) Harrell vs. Holliday and Browder; 2015-DR-43-878.

This was a heavily litigated third-party grandparent custody action that went to trial and settled on the day of trial. My clients were the grandparents and eventually filed a subsequent case under 2019-DR-43-174 and prevailed in a termination of parental rights and adoption action.

(e) Taubert vs. Mouritsen; 2018-DR-43-01456

This was a significantly litigated case that involved convoluted jurisdictional issues between the State of Alaska and the State of South Carolina. The decision regarding jurisdiction was eventually made by the Alaska Courts.

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Buxton to be "Qualified" in the evaluative criteria of constitutional

qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary statement.

Mr. Buxton is married to Eliza Knox Buxton. He has two children.

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

(a) Sumter County Bar
(b) Charleston County Bar
(c) South Carolina Bar Family Law Council
(d) South Carolina Bench Bar Committee

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

(a) Carolina Yacht Club
(b) The Society of Colonial Wars, South Carolina Chapter
(c) Sumter Family YMCA
(d) The Sumter Assembly, Vice President
(e) Les Trente
(f) Bon Pied Dance Club
(g) Sumter County Museum
(h) Quixote Club
(i) Caroliniana Ball
(j) Fortnightly Club, Second Vice President
(k) Second Mill Pond Association
(l) Heathlywood Pond Association
(m) Shaw Sumter Community Council

Mr. Buxton further reported:

A significant portion of my practice of the law has involved individuals who are emotionally charged and whose lives are rife with chaos. I believe I have been able to have a steady hand in guiding them through a process that they sometimes can hardly comprehend. My experiences in a service-oriented capacity have been challenging, yet rewarding when I see resolutions to issues that have a monumental impact in an individual's life. Litigants approach the Family Court for protection and relief, especially when it comes to children. A Family Court Judge has the ability to change the trajectory of a child's life potentially impacting that child to become a good and productive member of the community.

I have been truly blessed throughout my life experiences to have had influential, positive role models who taught me the value and importance of service to others.

(11) Commission Members' Comments:
The Commission members commented that Mr. Buxton has an outstanding reputation among his peers, which resulted in no negative feedback on his candidacy from the members of the SC Bar. They further remarked on his ability to balance wit with a professional demeanor and temperament, even when handling difficult family court issues. The Commission believes those qualities would serve him well as a Family Court Judge.

(12) Conclusion:
The Commission found Mr. Buxton qualified, and nominated him for election to Family Court, Third Judicial Circuit, Seat 1.

E. Thompson Kinney
Family Court, Third 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, Third Judicial Circuit, Seat 1, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

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

Mr. Kinney was born in 1986. He is 38 years old and a resident of Columbia, South Carolina. Mr. Kinney 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 2013.

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

Mr. Kinney 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. Kinney reported that he has made $293.81 in campaign expenditures for postage, stationary, and fingerprinting.

Mr. Kinney 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. Kinney 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. Kinney to be intelligent and knowledgeable.

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

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

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

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

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

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

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

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

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

(8) Experience:
Mr. Kinney was admitted to the South Carolina Bar in 2013.

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

From August of 2013 until June of 2020, I was an associate attorney with Mullikin Law Firm in Camden, SC. I assisted the other attorneys in the firm in the areas of governmental affairs, policy, regulatory practice, and public affairs. While working in the firm's main practice areas, I was given the freedom to pursue new practice areas. In 2014, I began practicing in family law, first by accepting cases from South Carolina Legal Services and then developing a private practice in family law. In 2015, I began accepting criminal defense appointments in Sumter County as part of the SC Commission on Indigent Defense's 608 contract program. I continued this work and added other counties, including Kershaw and Clarendon counties. In 2016, I began serving as an Assistant Public Defender in Lee County on a contract basis. In 2018, I added Family Court contracts with the 608 contract program in Sumter and Clarendon counties.

In June of 2020, I decided that I wanted to focus on the practice areas that I had built at Mullikin Law Firm. I decided that my hometown of Sumter was the best place to open my firm. My law practice had grown in Sumter and the Third Judicial Circuit because of the various contract work and my personal connections in that community.

Since July of 2020, I have owned and operated Kinney Law Firm in Sumter, SC. I am the only attorney, and I have one fulltime staff member, who started with me part time in November of 2022 and began working fulltime in July of 2023. I am solely responsible for all administrative and financial aspects of the firm, including managing the firm's trust account.

My main area of practice is family law. I represent clients in all areas of family law, including divorce, child custody, adoption, and others in Sumter and the surrounding counties. Also, I frequently serve as guardian ad litem in private custody cases and typically have around 10-20 active guardian cases at any time. I am a certified Family Court mediator and have developed a mediation practice, primarily in Sumter County.

Starting in December of 2023, I have served as a parttime Assistant Solicitor in the Third Judicial Circuit. My primary responsibility is to prosecute juveniles in Sumter County. I solely manage the juvenile docket and handle all juvenile cases in the county. In addition to my role with juveniles, I assist the South Carolina Highway Patrol in prosecuting DUI cases in the Third Judicial Circuit. I attend pre-trial conferences in the four counties in the circuit and assist the Troopers in negotiating with counsel and trying the cases if necessary.

Starting in February of 2022, I have served as the City Prosecutor for the City of Forest Acres. In this parttime role, I manage the jury trial docket in Municipal Court and conduct jury trials (three to four times a year). I work closely with the City Attorney and the Clerk of Court and provide guidance and advice to the Forest Acres Police Department.

My other practice area is related to guardian and conservatorship cases in Probate Court. I frequently represent clients who are petitioning the Court to be appointed as guardian and conservator. I am frequently appointed by the Probate Courts in Sumter and Richland to serve as

counsel or guardian ad litem for the Alleged Incapacitated Individuals in these cases.

When I opened my firm in July of 2020, I continued the criminal defense contract work from my previous firm. I continued to serve as a part-time public defender for Lee County through 2022. At that time, I voluntarily stepped down to focus more of my time on my private family court work. I continued to participate in the 608 criminal and family contract program until the end of 2023. I voluntarily stepped down to take the position of juvenile prosecutor in Sumter County.

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

I have appeared in Family Court multiple times a week for at least the past five years.

I have represented clients in divorce cases where equitable division of property was a major issue. I have represented clients from a wide range of backgrounds, from indigent clients who had only debts to divide, to high income individuals who had substantial assets. In additional to my experience in private practice, I have mediated numerous cases where equitable distribution was a major issue.

I have extensive experience with child custody issues. I have represented many clients, both mothers and fathers, who faced uncertainty about their children. I have always found fulfillment is helping clients craft custody agreements and parenting plans that help bring peace and stability to their families and allow them to create a co-parenting relationship. Also, I have litigated child custody issues at temporary and final hearings.

I have frequently served as guardian ad litem in private custody cases. These have ranged from relatively straightforward cases where parents are seeking to establish an initial custody order and parenting plan, to complex cases that involve relocation of a parent across the country or world. I have traveled out of state and to various parts of South Carolina for home visits. I have had complex cases that involve mental health issues for parents and children where I have had to interact with various mental health professionals.

I have dealt with custody issues in most of the mediations I have conducted. I have found that mediation can be particularly effective in helping parents develop parenting plans.

I have represented clients in adoption cases, including private infant adoptions, stepparent adoptions, and DSS adoptions. I have had the pleasure of helping a family coordinate a privately arranged adoption, filing the pleadings when the child was born and arranging for the birth mother to give the required consent. Once of the highlights of my legal career was participating in Sumter County Adoption Day in 2021 and 2022. In 2022, I had three adoptions on Adoption Day and was overwhelmed by the outpouring of support and happiness for all those involved. I have served as guardian ad litem on many adoption cases.

I was a 608 contract attorney for Sumter and Clarendon counties from 2018 to 2023. I was appointed to represent defendants in abuse and neglect cases brought by DSS. In this role, I most often represented clients in negotiating agreements with the department, including treatment plans to work towards reunification with their children. Also, I had many contested trials, including several contested termination of parental rights cases. I occasionally was appointed to represent vulnerable adults who were taken into DSS custody. From 2018-2023, I appeared in Family Court at least two to four days per month for DSS cases, and I often had several cases per day.

I have served as an Assistant Solicitor for Family Court since December of 2023, and presently serve in this role. I prosecute all juvenile cases in Sumter County. I am responsible for reviewing all juvenile petitions prepared by law enforcement in the county and deciding whether to prosecute, dismiss, or refer to a diversion program. Once a decision to prosecute is made, I file the petition in Family Court and prosecute the case. I create and manage the juvenile docket, working closely with the Family Court staff to schedule cases. On a routine juvenile docket (typically every other Thursday), I represent the State on adjudicatory and dispositional hearings. When law enforcement detains a juvenile, I am responsible for determining whether to pursue further detention of the youth. If we do seek to detain beyond the initial 48 hours, I am responsible for coordinating a detention hearing within the statutory parameters. Also, I am responsible for handling waiver hearings where the State seeks to prosecute a juvenile as an adult.

Prior to serving as juvenile prosecutor, I was appointed to represent juveniles in criminal cases in Sumter, Clarendon, Lee, and Kershaw counties. In this role, I represented numerous juveniles in adjudicatory hearings, dispositional hearings, and detention hearings.

On October 10, 2024, I began serving as the juvenile prosecutor in Clarendon County. My role in Clarendon County is identical to the job in Sumter County, where I manage the docket and prosecute all juvenile cases in the county. The Solicitor asked me to fill this role temporarily until he could hire another attorney to take over. I anticipate serving in this role until March or April of 2025.

Mr. Kinney reported the frequency of his court appearances during the past five years as follows:
(a) Federal: 0%;
(b) State: 100%.

Mr. Kinney 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: 30%;
(c) Domestic: 60%;
(d) Other: 10%.

Mr. Kinney reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 90%;
(b) Number of cases that went to trial and resulted in a verdict: 10% A large majority of my cases in Family Court end up being settled.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 1%.
(d) Number of cases settled after jury selection but prior to opening statements: none.

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

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

(a) State v. Kelvin Wilson, 2018-GS-31-0055.
This was a criminal sexual conduct case where I represented the Defendant in my role as a public defender in Lee County. This case involved pre-trial motions and a pre-trial issue of obtaining records from a child advocacy center. This case was tried before a jury and the State called a blind expert to testify about the dynamics of child abuse. The jury returned a not guilty verdict. This case significant because it was a complex case that allowed me to get experience in dealing with expert witnesses.

(b) State v. Yahchanan Christopher Reames, 2017-GS-31-139
This was a criminal case where I represented the Defendant in my role as a public defender in Lee County. The Defendant was charged with attempted murder and other offenses and was accused of firing a weapon at two police officers. He was previously found not competent to stand trial and was committed to the Department of Mental Health. A couple of years later, the Department declared that he had been restored and the State proceeded with his prosecution.

I represented the Defendant in a contested competency hearing pursuant to State v. Blair. I petitioned the Court for funding and hired three separate experts, a physiatrist and two phycologists, to present a case that the Defendant was not competent to stand trial. The State presented multiple witnesses from the Department of Mental Health and the Department of Disabilities and Special Needs. Ultimately, the Court ruled that the Defendant was competent to stand trial. I then negotiated a plea agreement that allowed my client to receive credit for the significant amount of time he had served.

This case was significant because it required me to advocate for an unpopular client when the entire law enforcement community in the county showed up to support the State. It also gave me the opportunity to work with a nationally recognized forensic physiatrist who examined and testified on behalf of my client.

(c) SCDSS v. P.R., 2021-DR-43-1042.
I was appointed to represent the Defendant/Father in this termination of parental rights case. This case was significant because of the challenges that were associated with defending this client, that he was illiterate and did not speak English. He and his co-defendants spoke Quiché, a Mayan

language that required an interpreter from Washington state to appear via Webex.

This case took three days and was very taxing on all the participants. The hearing had complex evidentiary issues and DSS called multiple expert witnesses. This case was also significant because it taught many valuable lessons on patience and on judicial temperament. The presiding Judge exhibited incredible patience and fairness and left a lasting impact on me.

(d) SCDSS v. K.K., 2019-DR-14-50.

In this case, I represented foster parents who intervened in a DSS case in Clarendon County. My clients had bonded with their foster child and were afraid that DSS may move the child. The intervention was granted, and the child was ordered to stay with my clients while the case was pending. After intervening, I was able to participate in the TPR trial with DSS and the other parties. After a trial, the biological parents' rights were terminated and the child was free to be adopted. After the DSS case concluded, I represented these same clients in the adoption of the child.

This case was significant because it taught me to sometime to advocate for your client, you have to be bold and willing to step out and go against DSS. While I had a good relationship with DSS in this county, I had to take action because my clients feared that the child would be harmed by moving her to another placement.

(e) Cheek v. Cheek, 2022-DR-43-441.

I was the guardian ad litem in this custody modification case. While the legal issues were not particularly complex, the case was unique in that it involved a modification of custody where the children's wishes were to move from Texas back to South Carolina. I traveled to Texas and felt that I became the "eyes and ears" of the Court, in that I was able to personally assess many of the claims of each party. This case was particularly significant because it gave me insight on how to assess the preferences of children, especially teenagers, in the context of the other child custody factors. Also, it made me appreciate the value of a guardian ad litem investigating issues in person versus just relying on phone calls, zoom meeting, or other collateral materials. This case settled on the first day of trial.

Mr. Kinney reported that he has not personally handled any civil appeals.

The following is Mr. Kinney's account of the criminal appeal he has personally handled:
State v. Locklear, 2016-UP-313, (S.C. Ct. App. Jun. 22, 2016).
I handled this case pro bono as part of the appellate project, where I was assigned a case to from appellate defense.

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

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Kinney to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary comments.

Mr. Kinney is married to Ashley Stover Kinney. He has two children.

Mr. Kinney reported that he was a member of the following Bar and professional associations:
Sumter County Bar Association, 2014-Present.

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

(a) Church of the Apostles, Columbia

I am very active in my church. I currently serve on the Vestry (the governing body of the church) and has served in this role since February of 2023. I serve on the Finance Committee, and I am the parish Chancellor (the parish's lawyer). I am the head of the Ushers Committee and serve as a children's church volunteer.

(b) Spring Valley Country Club

I have been a non-equity member since July of 2023, and I am not involved in any leadership. I play golf and my family uses the pool.

Mr. Kinney further reported:

I am currently a resident of Richland County, but I commute daily to my office in Sumter. Sumter is my hometown and where I chose to open my law firm. My connections there are deep, and my wife and I have been

considering a move back to our hometown for some time. My father still lives there, and I have many other family members there as well. If I am elected, we will move to Sumter, and I will meet the statutory requirements to reside in the Third Judicial Circuit before assuming the office of Family Court Judge for the Third Judicial Circuit.

When I first became a lawyer, someone told me that Family Court is "where the action is" and where a young lawyer could get in the courtroom. This turned out to be true and I have been fulfilled by representing clients and helping people in Family Court. I have been blessed to practice in every major area of family law, including having significant experience with DSS cases and Juvenile cases. It is professionally and personally fulfilling to positively change the direction of a child's life, and those opportunities are available in Family Court. Also, it has been fulfilling to provide guidance and counsel to clients in Family Court who are often facing one of the most trying times of their lives. I believe my experience in all these areas of Family Court equip me to serve as an effective Judge on day one.

I believe I have the temperament to serve as a Family Court Judge. I have always tried to live by what God tells us is required of us in Micah 6:8, "to do justice, and to love kindness, and to walk humbly with your God." As a member of the legal profession, I believe these words are particularly poignant and should be our north star. As a Judge, I would continue strive to seek to do justice by fairly applying the law fairly to all; to be kind to all litigants, court staff, and attorneys; and to be humble as public servant.

(11) Commission Members' Comments:
The Commission commented that Mr. Kinney has an outstanding reputation as a lawyer. They commended him for the work he has done, and appreciated his remarks on family court judges needing to take the time to hear out the litigants regardless of schedule constraints.

(12) Conclusion:
The Commission found Mr. Kinney qualified, and nominated him for election to Family Court, Third Judicial Circuit, Seat 1.

THURSDAY, JANUARY 16, 2025

The Honorable Angela R. Taylor
Family Court, Third Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Taylor was born in 1958. She is 66 years old and a resident of Sumter, South Carolina. Judge Taylor provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984.

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

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

Judge Taylor reported that she has spent $2.92 in campaign expenditures on postage as of August 14, 2024.

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

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

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

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

(a) I made a presentation at a Hot Tips Seminar September 2019 regarding temporary hearings.
(b) I made a presentation in 2015 to the Third Circuit Bar entitled Third Circuit Tips from the Bench.

Judge Taylor reported that she has published the following:

(a) I was a contributing author of the Domestic Violence Handbook prepared by a subcommittee of the Young Lawyers of the South Carolina Bar in 1986. This handbook received an award from the ABA.

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

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

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

(5) Reputation:
Judge Taylor reported the following regarding her legal rating by any legal rating organization: I am not aware of any ratings I have as a judge.

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

Judge Taylor reported that she has held the following public office other than judicial office:
The only other public office I have held is that of an Assistant Solicitor from 1985 thru 2009. I was appointed by the Solicitor. I was not required to file a report with the State Ethics Commission in my capacity as an Assistant Solicitor.

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

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

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

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

(a) Reginald Heber Smith Fellow, Three Rivers Legal Services; I was a staff a

Staff attorney. Our office represented low income clients in Lake City, Florida and surrounding counties. The office handled divorce cases, disability cases and landlord tenant cases. 1983-1984

(b) Neighborhood Legal Assistance Program, Conway, South Carolina. I was a staff attorney. The office represented low income clients in family law cases, landlord tenant cases and disability cases. 1984-1985

(c) In 1985, I was hired as the first full time Family Court prosecutor. I handled Juvenile cases, and DSS abuse and neglect cases in Sumter, Lee and Clarendon Counties. In 1987, I changed to part-time status and I only handled juvenile cases in Sumter County. In that year, I also became a contract attorney for the Department of Social Services. I handled cases in Sumter and Clarendon counties. I also became an Associate in the Law Office of Larry C. Weston in 1987. I handled domestic cases in Mr. Weston's office. In 2005, I opened my own practice as a solo practitioner. I continued to work as a part-time Assistant Solicitor. I was responsible for handling all business matters in my office to include my office trust account. I primarily handled family law cases as well as the preparation of wills and some accident cases.

(d) In 2009, I first elected to the Family Court to complete the unexpired term of Judge W. Jeffery Young. I was re-elected in 2012 and re-elected again in 2018.

Judge Taylor reported that she has held the following judicial office(s):
I am currently serving as a Family Court Judge. I have served as a Family Court judge since 2009. Family Court is a court of limited jurisdiction as set by statute. I have never held any other judicial office.
Judge Taylor provided the following list of her most significant orders or opinions:

(a) Alfreda Spann v. Leroy Spann; Op. No. 2024-UP-187 (S. C. Ct. App. Filed May 22, 2024)
(b) Brigette Hemming v. Jeffrey Hemming; Op. No. 2020-001238 (S.C. Ct. App. Filed November 9, 2023)
(c) Trannis Hawkins v. Kanita Wilburn; Op. No. 2019-UP-269 (S.C. Ct. App. Filed July 24, 2019)
(d) South Carolina Department of Social Services v. Rudlen Brown, Jacqus Denard and John Doe: Op. No. 2022-UP-143 (S. C. Ct. App. Filed March 18, 2022)
(e) Robert and Teresa Tolson v. Michael Roberts and Heather Turner, (S.C. Ct. App. Filed December 23, 2020)

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

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Taylor to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary statement.

Judge Taylor is not married. She does not have any children.

Judge Taylor reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) South Carolina Family Court Judges Association
(c) Pee Dee Inn of Court, Master

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

(a) I am a long- time member of Mount Pisgah African Methodist Episcopal Church. I am Steward in the church. A Steward is one of the highest offices to be held in the A.M.E. church. I received recognition in my church in 2024 for my service in the church and the community.

(b) I have served as a judge for Mock Trial on at least four occasions. I have also served as a judge in the We the People Competition.
(c) I donate extensively to organizations such as the Salvation Army, The National Judicial College, Doctors Without Borders, St. Jude Children's Hospital Best Friends Animal Society, and the Oliver Gospel Mission to name a few.

Judge Taylor further reported:
I believe court is a serious matter. I feel the judge should respectful to the litigants and attorneys in exchange the litigants and attorneys should be respectful to the court. I believe an attorney should be prepared and on time when appearing before the court. There are some individuals who have difficulty with the fact that I believe in a controlled environment in the courtroom. I think everyone has a right to be heard within the parameters of the Court rules and procedures. I try very hard to be fair and impartial and I hope I am viewed in that manner by those who come before me.

(11) Commission Members' Comments:
The Commission commented that Judge Taylor has had a distinguished career as a Family Court judge, and she holds herself to an extremely high professional and ethical standard.

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

The Honorable Ernest Joseph Jarrett
Family Court, Third Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Jarrett was born in 1967. He is 57 years old and a resident of Kingstree, South Carolina. Judge Jarrett provided in his application that

he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

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

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

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

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

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

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

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

(a) I was an Adjunct Professor at Limestone College and taught Business Law (1997-2000).
(b) I was the Co-Course Planner on "Children's Issues in the Family Court" (March 20, 2009).
(c) I was a Speaker on "Constitution and the Bill of Rights" at Williamsburg Technical College (September 16, 2009).
(d) I was the Co-Course Planner for "Dollars and $ense in Family Court" (October 6-8, 2011) at Grove Park Inn, Ashville, NC.
(e) I was a Speaker at "Hot Tips" on "Form 4 – What Now?" (September 28, 2012).

(f) I was the Co-Course Planner for "Fast Pass to the Child Custody Roller Coaster" (October 23-25, 2013) at The Yacht and Beach Club at Disney Resort in Orlando, FL.

(g) I was a Speaker at "Family Law Essentials" on "Equitable Division of Marital Assets" (June 27, 2014).

(h) I was a Speaker at "Family Law Essentials" on "Orders of Protection"
(June 26, 2015).

(i) I was the Co-Course Planner for "Family Law Inside and Out" (October 20-22, 2016) at The Westin Savannah Harbor Golf Resort & Spa, Savannah, GA.

(j) I was a Speaker on "Child Hearsay in Family Court" at the Fifteenth Circuit Family Court CLE (February 13, 2017).

(k) I was a Speaker on "Preparing Court Information Sheets" at Florence DSS (February 14, 2017).

(l) I was a Speaker on "Preparing Court Information Sheets" at Georgetown DSS
(February 16, 2017).

(m) I was a Speaker at the South Carolina Association for Justice Annual Convention "Impressions from the Bench" (August 5, 2021).

(n) I was a Speaker at Family Law Essentials "DSS and Juvenile Delinquency Matters" and Mock Contempt Hearing" (August 20, 2021).

(o) I was a Speaker at Family Law Essentials "DSS and Juvenile Delinquency Matters" and the Mock Contempt Hearing (August 26, 2022).

(p) I was a Speaker at the Guardian ad Litem Training Judges' Panel "Help Us Help You Help the Children" (January 27, 2023).

(q) I was a Speaker at the Horry County Family Court Continuing Legal Education Seminar "Hearsay of a Child" (February 10, 2023).

(r) I was a Speaker at Family Law Essential "DSS and Juvenile Delinquency Matters" and the Mock Contempt Hearing (August 25, 2023).

(s) I was the team captain for the Family Court Hollywood Squares at the South Carolina Bar Convention (January 19, 2024).

(t) I was a Speaker at the Clarendon County Candlelight Vigil in Honor of Child Abuse Prevention Month (April 16, 2024).
(u) I was the keynote Speaker at the South Carolina Commission on Indigent Dense "Family Time Viewed from the Bench" (June 14, 2024).
(v) I was a Speaker at the South Carolina Association for Justice "What Great Lawyers Do Best" (August 1, 2024).
(w) I am scheduled to speak at Family Law Essentials "DSS and Juvenile Delinquency Matters" and the Mock Contempt Hearing (August 23, 2024).

Judge Jarrett reported that he has published the following:
(a) South Carolina Family Lawyer's Toolkit, Second Edition (SC Bar 2010), Contributing Author
(b) South Carolina Family Lawyer's Toolkit, Third Edition (SC Bar 2017), Contributing Author

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

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

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

(5) Reputation:
Judge Jarrett reported that his last available rating by a legal rating organization was
BV, Martindale-Hubbell.

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

Judge Jarrett reported that he has held the following public office:
Williamsburg County Board of Voter Registration and Elections. Appointed by the Governor and Confirmed by the Senate. Served March 15, 2010, to December 31, 2020.

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

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

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

He gave the following account of his legal experience since graduation from law school:
In August of 1992, I returned home to Kingstree following graduation from law school and completion of "Bridge the Gap" as an associate attorney for Jenkinson, Jenkinson & McFadden, PA, working for W. E Jenkinson, III, Gordon B. Jenkinson and Helen T. McFadden. I continued to practice law in this same firm until taking the bench in January of 2021. Jennifer R. Kellahan joined the firm as an associate in 1995. I became a partner in 1996 and the name of the firm was changed to Jenkinson, Jarrett & Kellahan, PA, in 1998. I served as the Managing Partner from 2000 to 2020 and was responsible for overseeing all finances and administrative areas of the firm including the regular trust account, operating account, and the partnership account. I reviewed all deposits and checks written on a daily basis and made sure all of our accounts were in order. (Jennifer R. Kellahan managed the Real Estate Trust Account). I oversaw our associate attorneys, our office manager, the receptionist, the runners, and my paralegals. The other paralegals reported directly to their respective attorneys. I led the weekly office staff meetings to discuss office procedures and any issues. If there was ever a personnel problem, I worked with the office manager to resolve the issue.

As an associate attorney, I worked for all attorneys and did mostly civil litigation (Family, Magistrate, and Common Pleas) as well as real estate and probate work. I completed all research for the firm and wrote briefs and supporting memoranda to use in court. I was drawn to family court cases and as the years progressed, I concentrated more on these types of cases. In 1993, I contracted with the South Carolina Guardian ad Litem Program and served as its attorney in Williamsburg County until 1995, when I then contracted with the South Carolina Department of Social

Services. I served as a DSS contract attorney in one or more counties from 1995 until taking the bench in January of 2021. I was also the attorney for the Town of Kingstree from 1994 until 2020. For the last twenty (20) years of my practice, I practiced almost exclusively in Family Court.

Since January 1, 2021, I have served as a Family Court Judge for the Third Judicial Circuit. I served as Chief Administrative Judge for the Third Circuit Family Court for eighteen (18) months (July 1, 2022, to December 31, 2023) and currently serve as Chief Administrative Judge for Berkeley County.

Judge Jarrett reported that he has held the following judicial office(s): January 4, 2021, until Present, Family Court Judge, Third Judicial Circuit, Seat 3, elected by General Assembly in February, 2020.

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

(a) 2021-DR-43-01042 SCDSS vs. Geronima Castro Gutierrez, Pablo Alonzo, Ramos, Cruz Castro, Carolina Paguada, Jairo Paguada, and Pedro Quixan Gomez

This tragic case involved the rape resulting in pregnancy of an eleven (11) year old little girl by her uncle who resided in the home. I actually placed the child in foster care and retained jurisdiction to hear all eleven (11) of the hearings involving the child, including, her Judicial By-pass hearing. This is the first TPR filed under the same case number after the statute was amended to allow this procedure. The TPR was held October 26, 2023, November 2, 2023, and November 21, 2023, in which I terminated the parent's parental rights to free the child for adoption by her foster parents. All hearings had to be held with a virtual K'iche interpreter which further complicated the case. I had to order DSS to pay for and use this interpreter (from the State of Washington) for all treatment services.

(b) 2022-DR-31-00096 SCDSS vs. Kimberly N. Amerson and Wayne Reiser

This contested TPR involved two minor children and the father was very difficult and had been involved in criminal domestic violence and other criminal acts during the case. The TPR trial was held on June 13, 2023, and my Order was appealed. The South Carolina Court of Appeals affirmed my ruling on July 18, 2024, in an unpublished Opinion No. 2024-UP-268.

(c) 2020-DR-43-00342 Paul A. Evangelisti vs. Sarah H. Evangelisti

This was a change in custody action which was tried with three very reputable attorneys on January 9 - 10, 2023. The parties could not agree on anything so I had to make detailed factual findings on each incident in my twenty-four (24) page Order.

(d) 2020-DR-10-02215 Terri Sciarro vs. Matthew Sciarro

This was a four (4) day change of circumstances case tried February 22 – 25, 2022, in Charleston County. It was highly contested and I had to make specific findings on the five (5) specific allegations of a change as well as the thirteen (13) other unpled allegations. This Ruling was appealed and was affirmed by the Court of Appeals by Unpublished Opinion No. 2023-UP-355 on November 1, 2023.

(e) 2022-DR-43-00119 J'asha Baker vs. Corey Baker

This initial custody/divorce action was tried on October 24 -25, 2023, and November 9, 2023, and the Defendant was a Pro Se Sovereign Citizen. There were six (6) other hearings leading up to the merits hearing and I handled four (4) of those hearings. Due to the Defendant being a Pro Se Sovereign Citizen, each hearing had to be handled delicately, slowly, and carefully. I spent numerous hours revising and finalizing my twenty-nine (29) page Final Order. This case is currently under appeal but there has been no ruling at this time.

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

Judge Jarrett further reported the following regarding unsuccessful candidacies:
Family Court Judge, Third Judicial Circuit, Seat 1 in 2017.

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Jarrett to be 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 Jarrett is married to Josette Tisdale Jarrett. He has three children.

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

(a) Williamsburg County Bar Association 1992 – 2020
Secretary/Treasurer 1992 - 1996

(b) Georgetown County Bar Association 2001 – 2020

(c) South Carolina Association for Justice 1993 – 2020

(d) Family Law Section Council of the South Carolina Bar 2008 – 2020
Family Law Intensive Co-planner 2009 - 2020
Chairperson-Elect 2017 – 2018
Chairperson 2018 - 2019

(e) Supreme Court Commission on Docketing, Family Court Committee
2017 – 2020

(f) South Carolina Family Court Bench-Bar Committee 2015 - Present
Nominating Committee 2017
Chairperson 2024 - Present

(g) South Carolina Bar Resolution of Fee Disputes Board 2014 - 2020

(h) Office of the Disciplinary Counsel – Attorney to Assist 2005 - 2014

(i) SC Bar Young Lawyer Division – 3rd Circuit Representative 1994 – 2002

(j) SC Bar Judicial Qualification Committee 2003 - 2006

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

(a) Williamsburg Academy Governing Board 2001 – 2018
Chairman 2003 – 2018

(b) Kingstree Rotary 2000 – Present
Paul Harris Fellow
Past President 2009 - 2010
Projects Chair 2014 – 2018
President–Elect 2017 – 2018
President- 2018 - 2019
Treasurer- 2020 - Present

(c) Williamsburg County First Steps Board 2011 – 2018
Personnel Committee 2012 - 2018

Vice- Chairman 2014 - 2018

(d) Kingstree United Methodist Church Member Birth – Present

Council on Ministries (became Church Council) 1994 – 2002
Chairman of Council on Ministries 1997 – 2000
Long-Range Planning Committee 1996 - 1999
Church Council 2002 – Present
Chairman 2016 - Present
Committee on Lay Leadership 2001 - 2004
Trustees 2002 - 2005; 2015 - 2018
Vice-Chair 2005
Sunday School Teacher (3rd – 6th grade) 2008 – 2020
Youth Leader Assistant 1997 – Present
Bible School Leader 1993 – Present
Mission Trip Chaperone 1997 - 2018

(e) South Carolina Independent School Association Executive Committee 2010 – 2021
(f) South Carolina Independent School Association Athletic Committee 2022- Present
(g) Tri-County Regional Development Board 2012 – 2016

Judge Jarrett further reported:
I can remember attending a church conference one weekend where we had to write a personal life mission statement as one of our exercises. I do not remember the exact wording of my mission statement, but I remember it being something to the effect of "serving others by helping them through difficult times." I devoted my life to serving others professionally by representing them during some of the most trying and difficult times in their lives. I enjoy serving others outside the legal profession as well. I have participated in eighteen mission trips through Kingstree Community Youth, the youth group sponsored by my church, Kingstree United Methodist Church. These mission trips have taken me all over the south east and we go into the community, stay in a local school, and serve the residents during the week by repairing homes, painting, and helping to rebuild their lives. My service as a Family Court Judge has allowed me to further my life of service to others. I have patterned my career to position me to have the professional, academic and ethical traits along with the proper temperament to do this job well. I deeply care about children's issues as reflected by my professional work with the Department of Social Services and by my volunteer work with children and youth at Williamsburg Academy and my church. I

want to see children thrive and grow up in a healthy and safe environment. I always want what is best for them. I try to be fair, impartial and treat each person that comes before the Family Court with dignity and respect. I realize that this is a very trying time in the lives of litigants and a family court judge usually sees the worst side of people and relationships. However, I think I have had a positive impact on the lives of these litigants and especially the lives of children who are involved in family court proceedings.

(11) Commission Members' Comments:
The Commission commended Judge Jarrett on his judicial temperament and excellent BallotBox survey responses.

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

C. Heath Ruffner
Family Court, Fourth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Fourth Judicial Circuit, Seat 2, one candidate applied for this vacancy. Accordingly, the name and qualifications of one candidate is hereby submitted in this report.

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

Mr. Ruffner was born in 1971. He is 53 years old and a resident of Cheraw, South Carolina. Mr. Ruffner provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996. He

was also admitted to the Georgia Bar in 1996, but his status therein is inactive.

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

Mr. Ruffner 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. Ruffner reported that he has made $506.31 in campaign expenditures for printing, postage, letterhead and envelopes, copies, photography, and law firm staff time.

Mr. Ruffner 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. Ruffner 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. Ruffner to be intelligent and knowledgeable.

Mr. Ruffner reported that he has taught the following law-related courses:
As county attorney for the Volunteer Guardian ad Litem Program, I have provided in service training to volunteer guardians ad litem on investigating, drafting reports, testifying in court, etc. regarding DSS child abuse and neglect cases.

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

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

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

The Commission also noted that Mr. Ruffner 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. Ruffner reported the following about his rating or membership in a legal rating organization:
Member of the Million Dollar and Multi-Million Dollar Advocates Forum.

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

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

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

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

(8) Experience:
Mr. Ruffner was admitted to the South Carolina Bar in 1996.

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

(a) Upon graduation from law school in 1996, I served as Law Clerk to the Honorable Paul M. Burch, Circuit Court Judge for the Fourth Judicial Circuit, from August, 1996 to July, 1998.

(b) After finishing my judicial clerkship, I accepted a position as an Assistant Solicitor for the Fourth Judicial Circuit and County Attorney for Chesterfield County. I served as an Assistant Solicitor until December, 1998. During my brief period as an Assistant Solicitor, I prosecuted various crimes in General Sessions, Family and Summary Courts, including burglaries, thefts, assaults and drug offenses.

(c) I have served as Chesterfield County Attorney from July, 1998, though the present. I have represented the County as well as various elected and appointed officials in litigation in Circuit Court, Administrative Law Court and federal court. I also routinely draft ordinances, review and draft various other documents, participate in the negotiation and formulation of economic development agreements, and provide legal advice and counsel to the County Council, the County Administrator, county departments, boards, and commissions.

(d) In 1999, I accepted a position as an associate with Harris and McLeod, a law firm in Cheraw, South Carolina, and became a partner in 2001. The firm is now known as McLeod and Ruffner and has been in continuous operation since the 1960's. The firm consists of my law partner and I, one associate attorney, and a staff of four. The name of the firm has changed as partners retired or departed to pursue other endeavors (prior firm names are Spruill and Harris; Harris and Griggs; Harris, Griggs and Spruill; Griggs and Spruill; Griggs, Spruill and Harris; Griggs and Harris; Harris and McLeod; and Harris, McLeod and Ruffner).

At my present firm, I have prosecuted municipal court cases for the Town of Cheraw including DUI, disorderly conduct and traffic offenses. My practice has included domestic relations, civil (representing both plaintiffs and defendants), real estate, representation of local government, business work and criminal practice. I practice actively in Family Court and Circuit Court, occasionally in Summary Court, and I have in a few instances handled appellate work.

Since I began private practice, a significant portion of my work has always been devoted to litigation. This has included a diverse practice in Circuit and Family Courts consisting of representation of criminal defendants including three capital cases; plaintiffs and defendants in serious personal injury and other disputes; husbands/fathers and wives/mothers in divorce, equitable division, custody, child support and adoptions; individuals seeking name changes; grandparents seeking visitation; defendants in DSS abuse and neglect cases; volunteer guardians ad litem in DSS abuse and neglect cases (children and vulnerable adults); prosecution and defense of juveniles; and service as guardian ad litem in private custody and adoption cases.

While I was sporadically appointed as a special referee during the first 20 or so years of practice, I have been appointed very frequently in the

past five years (I would estimate at least 30 to 40 cases per year). The cases over which I have presided have ranged from routine foreclosures to fairly complex property and other civil matters.

With regard to administrative and financial management, I serve as the Plan Administrator for my firm's retirement plan, manage the application for and acquisition of errors and omissions insurance, and, due to the small size of our firm, I am involved in all personnel, financial and any other significant decisions. My law partner and I are the only individuals authorized to sign checks and authorize withdrawals from the firm's two trust accounts, one exclusively for real estate transactions and another, at a separate bank, for all other matters. Both trust accounts are reconciled each month within no more than a few days of the end of the prior month by our firm's bookkeeper, who has no check signing authority on any of the firm's bank accounts, and those reconciliations are reviewed by the two partners.

(e) From the early 2000's to the present, I have served as the county attorney in Chesterfield for the Cass Elias McCarter Guardian ad Litem Program representing guardians ad litem for children in abuse and neglect cases. In 2007, I was contracted in the same role for the South Carolina Adult Guardian Ad Litem Program for vulnerable adult cases.

(f) As of June 20, 2024, I was appointed as a Special Assistant Solicitor on a volunteer basis for the purpose of prosecuting cases involving juveniles in the Family Court of the Fourth Judicial Circuit. This is one area of practice in which I have been least active and, therefore, I sought this appointment to gain some meaningful experience in this critical area.

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

My practice in Family Court has included virtually every type of case one could encounter. I have handled numerous private cases involving contested issues of divorce, equitable division, custody, child support and alimony. The marital estates in some of these cases were sizeable and required the assistance of experts to, for example, value pension plans or real estate holdings. A number of cases involved closely held family businesses. On the other hand, marital estates in other cases were quite modest, and the significant issues were, for example, the division of debt or sale of a marital home that the parties could no longer afford. I often found the latter cases more difficult, from a practical standpoint, than the "high value" cases because of the substantial effect it was going

to have on the litigant's financial well-being especially when children were involved.

I have been involved in some bitterly contested custody cases. While I always advocated my client's position, the longer I practiced, I made an effort to encourage clients to try to see beyond the immediate stress and emotion of the litigation, and look at the long term, big picture of continuing to be a parent to their child; by necessity, this requires at least some minimal working relationship with the other parent. At this point, I have practiced long enough that I have been able to ask former clients about the upbringing of children and relationships with former spouses, and I have found that many did, in fact, learn to get along to serve their children's best interests.

I have handled a handful of adoptions over the years and have served as guardian ad litem for prospective adoptees. Without a doubt, this is one of the most rewarding parts of domestic practice and I can understand why Family Court judges, in my experience, enjoy presiding over these cases.

Early in my career, I represented defendant parents in a number of abuse and neglect cases. I was then approached by the local Volunteer Guardian ad Litem Program in the early 2000's to serve as the attorney in Chesterfield County. I have served in hundreds of cases in this capacity and the dedication of the volunteer guardians ad litem never ceases to amaze me. While many of these cases are heart wrenching and frustrating, there are also those with positive outcomes that either see parents complete their treatment plans and reunite with their children, or see the children adopted into a stable, loving home. I have also served for the past seven years as the contract attorney for the Vulnerable Adult Guardian Ad Litem Program representing guardians ad litem for vulnerable adults in DSS abuse and neglect cases.

I was involved in the prosecution of a few DJJ cases during my brief time with the Fourth Circuit Solicitor's Office in 1998 and represented a limited number of juveniles charged with offenses during my first fifteen years of practice. However, I have not practiced much in that area recently. For that reason, I requested and the Fourth Circuit Solicitor kindly agreed to appoint me as a Special Assistant Solicitor, on a volunteer basis, to assist in the prosecution of juvenile cases. I also sought out a CLE presented by Family Court Judge David Guyton and

Sixteenth Circuit Assistant Solicitor Ouida Dest which provided me with a comprehensive overview of the juvenile justice process in South Carolina. I anticipate getting more up to date and gaining some real-world experience as an Assistant Solicitor, as I believe juvenile justice is such an important part of serving on the Family Court bench.

During the past five years, I have appeared before a Family Court judge an average of two to three times per month.

Mr. Ruffner reported the frequency of his court appearances during the past five years as follows:
(a) Federal: None;
(b) State: Several times per month.

Mr. Ruffner reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 30%;
(b) Criminal: 1%;
(c) Domestic: 25%;
(d) Other: 44%.

Mr. Ruffner reported his practice in trial court as follows:
(a) Percentage of practice, including cases that settled prior to trial: 55%;
(b) Number of cases that went to trial and resulted in a verdict: I would estimate 40-50 including non-jury.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: Less than five.
(d) Number of cases settled after jury selection but prior to opening statements: None.

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

The following is Mr. Ruffner's account of his five most significant litigated matters:
(a) Janice Watkins Hyatt v. Willard Hyatt: I represented the wife in this divorce action arising out of a 17-year marriage. At issue were alimony and equitable division of a family business, heavy equipment and real property. The parties undertook extensive discovery and I engaged a

number of experts on behalf of the plaintiff to determine valuations for various assets. One of the chief areas of contention between the parties was the wife's interest in the family business and heavy equipment associated with it. During a multi-day trial, I was able to show through tax returns, financial statements and witness testimony that the wife had contributed significantly to the growth and success of the business such that the court awarded her 50% interest in the equipment and other personal property associated with the business. The wife was also awarded a substantial interest in real property owned by the husband prior to the parties' marriage by presenting evidence that she had contributed to the improvement of the property during the duration of the marriage. The plaintiff was also awarded alimony. The case involved multiple contempt actions against the husband for which the wife was awarded attorney's fees on one occasion.

After the court's final ruling, the defendant husband appealed. I filed an Application Lifting Automatic Stay on the basis that the defendant was continuing to use and, therefore, devalue, some of the personal property which my client had been awarded. The trial court granted the application and the defendant then filed a Petition for Supersedeas with the Court of Appeals to which I filed a Return on behalf of the plaintiff; the Court of Appeals denied the defendant's petition. Even during the pendency of the appeal, I had to file a contempt action due the defendant's failure to pay alimony and to deliver some of the items of personal property after denial of his supersedeas petition. After final briefs were filed by both parties and the matter was scheduled by the Court of Appeals, the parties were finally able to reach an agreement settling all matters.

This case was significant for two reasons. First, it involved a number of convoluted matters that took time and effort to ferret out through discovery and review of documents to be able to prove the substantial contributions of the wife to the marriage. It also required numerous court appearances for motions, a trial and then the response to the defendant's appeal. Second, the case was a test of perseverance for me and my client. While I respected and, to this day, still respect opposing counsel in the case, I am convinced that his client thought he could win the case through a battle of attrition. My client did not have access to the finances necessary to pay as the litigation progressed and, at times, I am certain she was ready to just give up and accept what, in my opinion, were some

less than fair settlement offers from the defendant. In the end, she trusted my advice and we were able to resolve the case in a favorable manner.

(b) Sandi Teal Byrd v. Billy Joe Byrd, II: This case in which I represented the plaintiff wife arose out a 19-year marriage and involved issues of custody, child support, equitable division and alimony. From the temporary hearing and throughout much of the case, the parties contested every issue especially regarding custody and visitation matters concerning the children, ages 13 and 9. There was a contempt hearing at which the court held both parties in contempt as a result of an incident that occurred in the presence of the minor children. A guardian ad litem was appointed early on in the case, and did an excellent job investigating and representing the interests of the children. Through negotiation with the defendant's capable counsel, less than six months after the contempt hearing, we appeared before the same judge to approve a written settlement agreement which included a fair division of the marital estate and, more importantly, a shared custody agreement that all concerned agreed was in the best interests of the two children.

This case was significant because it highlighted that lawyers could, and should in my opinion, zealously represent their respective clients while maintaining a level of civility and courtesy with one another. In my experience in this and other cases, I feel that this manner of interaction between the lawyers often leads to a reduction in the animosity between the parties that tends to be magnified in domestic cases. That, in turn, resulted in the parties in this case setting aside their differences, even though they no longer wanted to be married, to the benefit of their children.

(c) South Carolina Department of Social Services v. Crawford: This child abuse and neglect case in which I represented the guardian ad litem for the three children is the worst I have encountered. The children, three brothers, who were adopted by their grandfather and step grandmother were subjected to horrific physical and psychological abuse. It included being beaten with a whip and garden hose which left permanent scarring, malnourishment and forcing the children to eat hot peppers as punishment, and providing no education while purportedly homeschooling the children. Even worse, one of the three children was locked in a shed behind the home and lived in inhumane conditions including having to use a bucket to relieve himself. He also was fitted with a shock collar which was used as punishment and, at times, his own

brothers were made to activate on him. Fortunately, the children were removed from this awful situation and two of the three were successfully adopted. The third child transitioned through the foster care system into adulthood. The parents were charged and sentenced to prison time in General Sessions Court.

At this point in my career, I had been involved with DSS abuse and neglect cases for about 10 years and, although I been exposed to some terrible cases, this one reached a level of depravity I had never seen. I was also a relatively new father at the time of a two year old son and could not imagine anyone treating another human being, much less a child, this way. However, I also saw the utter resilience and strength that children possess to be able to overcome these circumstances. The case was also significant for the care I saw exhibited by the trial judge, a veteran of the bench, to make certain that these children were protected and had the best chance possible to succeed.

(d) South Carolina Department of Social Services – In the Interest of: T.B, T.B. and C.B.: I represented the guardian ad litem in this case which involved three children, two boys, ages nine and 11, and a girl, age 10. The rights of the parents had already been terminated and there was an issue as to the placement of the two boys with a prior foster mother and prospective adoptive home due to some statutory and/or policy requirements placed on DSS. One of the boys suffered from Auditory Neuropathy Spectrum Disorder (ANSD) resulting in him being hearing impaired. The boys' former foster mother had taken extraordinary efforts including hiring, at her own expense, someone to assist with the necessary documentation to gain admission for the child to the School for the Deaf and Blind. Again, due to some statutory and/or policy restrictions placed on DSS, the Department could not agree to placement of the boys with the former foster mother. I filed a motion for judicial review on behalf of the guardian and a hearing was held at which all five witnesses called, even the witness for DSS, agreed that it was in the best interests of the two boys to be placed back with their former foster mother. The Family Court judge agreed and issued an order placing the boys back with the former foster mother as an adoptive placement. The children were later adopted by the foster mother and, to this day, I have a picture of these two young men, happy to be in their forever home.

This case was significant because it is an example of "the system" working. Even though there were obstacles, everyone involved,

including the court, the lawyers, the guardian ad litem and DSS staff, came together to make sure that what was in the children's best interest was achieved.

(e) Barbara E. Funderburk v. Timothy M. Funderburk and James T. Funderburk: I represented the husband, Tim Funderburk, in this case which involved a number of contested issues arising out of a 20 year marriage: divorce based on the statutory fault ground of adultery and equitable division of the marital estate, including an allegation by the plaintiff that a 107 acre tract of property titled in the name of Tim Funderburk's brother, James T. Funderburk, was being held in trust for the plaintiff and defendant and should, therefore, be included in the marital estate. As a result, an Amended Complaint was filed adding James T. Funderburk as a party and he was represented by separate counsel in the case. The case included fairly extensive discovery, research and gathering of documentation regarding the issues of adultery and the disputed 107 acre tract in order to prepare for what would be a two day trial. The parties also had two children, one of whom was a son, age 12, and a daughter who had reached the age of majority. The parties had agreed upon joint custody of the son, with the father being the primary custodian. After trial, the court ruled in favor of my client on effectively every issue. A divorce was granted based on the plaintiff's adultery, the court found that the 107 acres were not part of the marital estate, and divided the marital property 60% to my client and 40% to the plaintiff.

This case was significant in that it was extremely contentious from the outset and involved a third party, my client's brother, whose property was at stake of being included for division in the marital estate. This necessitated additional and unique preparation for trial including coordination with my client's brother's counsel. My client and his brother were also very cooperative and accepting of advice, which certainly contributed to the positive outcome of the case.

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

(a) Hyatt v. Hyatt, No. 01-DR-13-684 (S.C. Ct.App.) – Case settled during pendency of appeal.

(b) Hall v. Sapp, No. 07–6820 (4th Cir., filed November 28, 2007).

(c) Stutler v. South Carolina Farm Bureau Mutual Insurance Company, No. 2012–UP–529 (S.C. Ct.App., filed September 19, 2012).
(d) Teal v. Hickman-Tedder, No. 2015–UP–569, (S.C. Ct.App., filed December 23, 2015) – I represented Mary Elizabeth Hickman-Tedder, the named insured of one of the other respondents, and my role in the appeal process, including preparation of the brief, was limited to portions relevant to her interests

The following is Mr. Ruffner's account of the criminal appeal he has personally handled:
State of South Carolina v. Aaron Carelock, No. 2002-UP-262, (S.C. Ct.App., filed April 9, 2002).

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

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Ruffner "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.

Mr. Ruffner is married to Christy Rabon Ruffner. He has two children.

Mr. Ruffner reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar
(b) Georgia Bar (Inactive status)
(c) Chesterfield County Bar Association
(d) South Carolina Association of County Attorneys

Mr. Ruffner provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) First United Methodist Church of Cheraw (past member of Finance and Staff-Parish Relations Committee)
(b) Mt. Moriah Mason Lodge #58

(c) Cheraw Chamber of Commerce (past board member and chair)
(d) Pee Dee Land Trust (past board member and treasurer)
(e) Cheravian Club (local service club) (charter and past board member)

Mr. Ruffner further reported:
I believe the diversity of my 26 plus years of practice, not only in Family Court but also in Circuit Court and other areas not necessarily litigation related, have prepared me to be a capable Family Court judge. I have learned to deal with a variety of people in any number of demanding situations, be it in the midst of a trial, during a county council meeting, or negotiating settlement of a real estate matter. At age 52, my life experience has also been significant such that it will allow me to relate to and objectively see the different views of the parties to a case.

On a personal note, my parents divorced when I was 10 years old. While this was a difficult time, as I have looked back, particularly after having children of my own, I realized that neither of my parents, not once, let the fact that they were no longer married interfere with their love and encouragement of me, individually and collectively. A few years later, both of my parents remarried within a year of one another. Although admittedly, at the time, I was not thrilled to be getting a stepfather and a stepmother, over time, I appreciated that I had now been blessed with four parents who all loved me, supported me, and helped me grow up, and I became very close with my stepparents. Each of my parents had a daughter as a result of their second marriage so I also got the joy of having two sisters after being an only child. My stepfather has since passed away and I miss him dearly. My stepmother remains an integral part of my and my family's life. While I know not all situations will turn out like mine, this experience is something I can lean on to be empathetic to parents and children when they are in the middle of a dispute in Family Court, and perhaps allow me to offer some reassurance and wisdom to them.

(11) Commission Members' Comments:
The Commission commended Mr. Ruffner on his excellent BallotBox survey responses and for his reputation in the legal community.

(12) Conclusion:
The Commission found Mr. Ruffner qualified, and nominated him for election to Family Court, Fourth Judicial Circuit, Seat 2.

The Honorable Michelle M. Hurley
Family Court, Fifth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Hurley was born in 1969. She is 55 years old and a resident of Columbia, South Carolina. Judge Hurley provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

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

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

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

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

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

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

Judge Hurley reported the following regarding the teaching of law-related courses:
The Following are my CLE Presentations:

(a) "Judicial Hollywood Squares", SC Bar Convention, January 19, 2024.

This was a fun game to test lawyers' knowledge of family law issues.

(b) "Running of a Court", Orientation School for New Family Court Judges, May 14, 2024.

Co-presented on issues such as punctuality, appearance, temperament/demeanor, recusals, court personnel, controlling the courtroom, the importance of making a record, court reporters, interpreters, time and docket management, virtual hearings and preparation for court.

(c) "Running of a Court", Orientation School for New Family Court Judges, May 23, 2023

Co-presented on issues such as punctuality, appearance, temperament/demeanor, recusals, court personnel, controlling the courtroom, the importance of making a record, court reporters, interpreters, time and docket management, virtual hearings and preparation for court.

(d) "Running of a Court", Orientation School for New Family Court Judges, May 24, 2022.

Co-presented on issues such as punctuality, appearance, temperament/demeanor, recusals, court personnel, controlling the courtroom, the importance of making a record, court reporters, interpreters, time and docket management, virtual hearings and preparation for court.

(e) "Running of a Court", Orientation School for New Family Court Judges, May 25, 2021.

Co-presented on issues such as punctuality, appearance, temperament/demeanor, recusals, court personnel, controlling the courtroom, the importance of making a record, court reporters, interpreters, time and docket management, virtual hearings and preparation for court.

(f) "Running of a Court", Orientation School for New Family Court Judges, May 29, 2019.

Co-presented on issues such as punctuality, appearance, temperament/demeanor, recusals, court personnel, controlling the courtroom, the importance of making a record, court reporters, interpreters, time and docket management, virtual hearings and preparation for court.

(g) "Things I Like to See and Things I Don't", SC Bar Family Law Hot Tips, September 22, 2023.

(h) CASA National Convention Judges Panel, October 20, 2020.

Discussed the role and importance of the guardian ad litem in abuse and neglect cases.

(i) "Civility Inside/Outside the Courtroom", SCDSS, November 13, 2020.

(j) "Temporary Hearings", Family Law Essentials August 20, 2021.

(k) "Human Trafficking", Family Court Judges Conference, April 11, 2019.

Co-presented with 3 other family court judges, an Assistant U.S. Attorney and an FBI agent regarding the dynamics of human trafficking, and presiding over cases where a party or child is a victim of trafficking.

(l) "Sample Approval Hearing", Family Law Essentials, July 29, 2019.

(m) "So You Want to Be a Judge: Judicial Bootcamp", SC Black Lawyers' Association, October 14, 2022.

(n) "Family Law Update", SC Black Lawyer's Association, September 26, 2013.

This was a panel presentation on the new laws regarding family law.

(o) "Reflections from the Newbies: Is there an Escape Clause?" Family Court Bench Bar, December 2013.

This was a panel presentation from the newly elected Family Court judges.

(p) "As Family Court Judges See It: Top Mistakes Attorney's Make in Litigating Divorce", National Business Institute (NBI), November 7, 2014.

This was an all-day panel discussion on various issues related to litigating divorce cases.

(q) "Keep Out! SC and the School to Prison Pipeline", SC Bar Convention, January 24, 2015.

This was a panel discussion on the "school to prison pipeline".

(r) "Now That I Have My Sea Legs-Thoughts from the Bench", SC Bar, Hot Tips from the Coolest Domestic Law Practitioners, September 25, 2015.

I provided insight on practicing in Family Court.

(s) "Tips from the Family Court Bench", SC Bar, Fifth Circuit Tips From the Bench, January 8, 2016.

I polled the family court judges and presented "pet peeves" and helpful tips.

(t) "Pathway to Judgeship in SC", SC Women's Law Association (SCWLA), June 9, 2016.

A panel of female judges from different courts discussed our backgrounds and the process of becoming a judge in South Carolina.

(u) "What Judges Want You to Know About Family Court", National Business Institute (NBI), November 14, 2016.

This was an all-day panel discussion on various issues related to Family Court.

(v) "Judicial Hollywood Squares", SC Bar Convention, January 20, 2017.

This was a fun game to test lawyers' knowledge of legal issues.

(w) "Parental Alienation, its Impact on Children and its Remedies", SC Association for Justice, Annual Convention, August 3, 2017.

I presented on the issue of parental alienation and the Noojin v. Noojin case.

(x) "Standardizing "Standard" Visitation: A View from the Bench", SC Bar, Family Court Bench Bar, December 1, 2017.

This was a presentation on the judicial view of different visitation plans.

(y) "Children and the Family Court: Evidentiary Issues", Children's Law Center, February 16, 2018.

I discussed evidentiary issues related to child abuse and neglect cases, such as presenting a child witness and S.C. Code Ann. Section 19-1-180.

(z) "Lunch and Learn" (Nelson Mullins), May 16, 2012.

I discussed handling DSS Appointments: registering the appointment; meeting with the client; information to gather from the client; discovery requests; avoiding foster care through relative/non-relative placements; time frames for hearings; the purpose of each hearing and the applicable standards of proof.

(aa) "Homeless Experience Legal Protection Project Training", October 27, 2011.

I presented on the issue of representing the Homeless in Child Protection Cases.

(bb) "Training for New Attorneys Subject to Appointment in Abuse and Neglect Cases", May 13, 2011 and August 6, 2011.

This CLE was presented in the 5th and 9th Circuits. This course was aimed at preparing new attorneys for the inevitable DSS appointment. I explained the child protection process and the applicable laws, and provided helpful navigation tips.

(cc) "Immigration Issues and Educational Needs of Children in Foster Care", May 23, 2011, June 22, 2011, July 8, 2011 and July 15, 2011.

I lectured on the Fostering Connections to Success and Increasing Adoptions Act of 2008. Particularly, the importance of a foster child having as few foster home moves as possible; the importance of school stability and the negative impact multiple homes and schools have on a foster child's success in education, relationships, and mental and physical health. Also spoke on the roles of the caseworker, guardian ad litem, and foster parent in advocating for the educational and health care needs of foster children, the law in South Carolina as it relates to school enrollment requirements for children, the roles of DSS and schools in ensuring that foster children remain in their schools of origin, and their roles and duties, under the Fostering Connections Act, when foster children must change schools.

I discussed other mandates in the Fostering Connections Act such as, the ongoing duty of child welfare agencies to locate and connect foster children with their relatives for placement and/or adoption; placement of siblings in the same foster home; the importance of children to be able to maintain significant relationships with relatives and friends while they are in foster care, particularly when the child's permanent plan is reunification with his/her family; placement of children in foster homes within or near their home communities and school zones; and the duty of child welfare agencies to recruit foster homes near a child's biological home, when a foster home is not available in that community.

(dd) "DSS Upstate/Court Improvement CLE", 2010.

I presented on best practices in child protection hearings.

(ee) "Representing Parents in Child Maltreatment Cases", November 2010

Provided helpful tips to attorneys hired and/or subject to appointment in child protection cases.

(ff) *SCDSS Child Support Enforcement*, June 4, 2010

I spoke on child support issues in abuse and neglect cases.

(gg) "Basic Training for Juvenile Public Defenders", April 2010

I discussed home assessments vs. home studies; children being placed into emergency protective custody at disposition hearings; coordinating cases and services when both DSS and DJJ are involved with a family.

(hh) "Lunch and Learn, Handling DSS Appointments" (Nelson Mullins), June 2009

I gave a similar lecture as item "x".

(ii) "Training for Child Support Enforcement Division", November 2009

Discussed the duties of DSS county attorneys.

(jj) "Representing Volunteer Guardians ad Litem", March 14, 2008

Discussed the role of the guardian ad litem and his/her attorney in child abuse and neglect and Termination of Parental Rights cases.

(kk) "Training for Attorneys Appointed in DSS Cases", July 27, 2007

I presented on handling DSS appointments.

(ll) "Complex Issues in Family Law", March 2006.

Provided an overview of the grounds for Termination of Parental Rights.

I have taught/lectured the following law related courses:

(a) *Trial Advocacy Training for DSS Case Workers and Attorneys*, 2005-2012.

I taught a three-day lecture and mock trial course for newly hired DSS employees. The course entailed a day and a half of lecture and a day and a half of testifying. This course was held on average once per month, except in 2009, when it was held three times per month. I lectured on the family court system, the Children's Code, Family Court Rules, evidence; standards of proof, court preparation and appearance, effective testifying, and the grounds for termination of parental rights.

During the mock trial portion of the course, a retired family court judge presided over the hearings. Using fictional case files, the participants testified in probable cause, merits, permanency planning and termination of parental rights hearings. Newly hired attorneys played the role of the DSS attorney. Both the attorneys and caseworkers were videotaped and were provided constructive feedback.

(b) *Advanced Legal Training for Caseworkers*, 2006-2012.
This was an 8-hour course for DSS caseworkers. In 2006 and 2007, I traveled to each of the sixteen circuits to teach this course. From 2008-2012, I taught this course four to five times per year in the four regions of the state. This course was designed to help caseworkers gain a better understanding and appreciation of the procedural and legal requirements of their jobs by connecting the South Carolina Children's Code, the 14th Amendment, and federal laws to the DSS policy and procedure manual.

This training covered administrative hearings, developing and using case theories, the Indian Child Welfare Act (ICWA), the Adoption and Safe Families Act (ASFA), The Fostering Connections to Success and Increasing Adoptions Act, Title IV-E requirements and the meaning of Reasonable Efforts, making decisions in the best interests of children, child custody and guardianship, avoiding foster care through alternative placements, diligent searches, the Responsible Father Registry, relinquishments for adoption, and termination of parental rights.

(c) *Multi-Ethnic Placement Act* (MEPA), 2010-2012.
This training was a result of the South Carolina Department of Social Services being placed under a federal Corrective Action Plan, to correct the discriminatory practices of the agency in the placement of children in foster and adoptive homes. The practices in effect delayed positive permanence and caused children to languish in foster care longer than necessary.

The Multi-Ethnic Placement Act is a federal law enacted in 1994 and amended by President Clinton in 1996. The Act prohibits the delay or denial of the placement of a child in a foster home or prospective adoptive home based on the race, color or national origin (RCNO) of the child, foster parent or adoptive parent. MEPA applies to all public child welfare placing agencies and all private child-placing agencies that receive any federal funding either directly or indirectly.

This training was held twice per year in each of the 16 circuits. I became a federally approved MEPA trainer in 2010.

(d) Guest Lecturer*, Child Advocacy Studies,* USC Upstate, 2011.
Lectured to undergraduate students on the mandated reporting laws of South Carolina.

(e) Guest Lecturer, USC School of Social Work, 2010.
Lectured to graduate students on the laws pertaining to child protection. I discussed each phase of a case and the different avenues a case can take from the moment a report is made of suspected child abuse and neglect. Topics included: the investigation of the allegations, treatment cases vs. removal of children from the home, placement plans, the purpose of each court hearing, reunification, alternative placements, and termination of parental rights and adoption.

(f) Guest Lecturer, Summer Institute for School Guidance Counselors, 2008, 2009, 2010, 2011.
Lectured to guidance counselors about when and where to report suspected child abuse and neglect; the intake process and response time when a report is made; the information the reporter will need to provide to DSS and/or law enforcement; and their rights and duties as mandated reporters.

(g) Guest Lecturer, *Children and the Courts*, USC School of Law, 2007, 2008, 2009, 2010, 2011.
Lectured to law students about "a day in the life of a child welfare attorney".

(h) Legal Training for Foster Care Licensing, Adoptions, and Out-of-Home Abuse and Neglect Unit (OHAN), 2007.
Provided legal training for DSS staff involved in licensing foster and adoptive homes, the unit charged with investigation institutional abuse, and the administrative hearing officers.

Judge Hurley reported that she has published the following:
While employed at the Children's Law Center, I authored or co-authored the following manuals and publications.

(a) A Guide for the Use of Expert Witnesses in Child Abuse and Neglect Cases, 2010;
(b) Guide to Title IV-E Requirements, 2010 (Provided to Family Court Judges);
(c) Termination of Parental Rights Evidence Checklist, 2010 (Provided to Family Court Judges and DSS Attorneys);
(d) Information for Clergy as Mandated reporters, 2010;
(e) Information for Healthcare Workers as Mandated Reporters, 2010;

(f) Advanced Legal Training Manual for Caseworkers, 2005, revised 2007, 2009 and 2010.

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

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

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

(5) Reputation:
Judge Hurley reported that she was not rated by any legal rating organization.

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

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

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

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

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

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

(a) November 2001 to January 2002: I worder for the Finney Law Firm. I had previously worked for the firm as a law clerk and was offered a position after I passed the bar exam.

I mostly handled juvenile and probate matters. I left this position to become a judicial law clerk.

(b) January 2002 to September 2003: I was employed as a law clerk for the Honorable Alison Rene Lee (Retried), South Carolina Circuit Court, At-Large Seat 11. As a judicial law clerk, I managed the judge's docket, reviewed files and briefed the judge on the issues, accompanied the judge to various circuits to hear civil and criminal cases, sat with the judge and assisted her during hearings, prepared civil and criminal charges for the jury, performed research, and drafted orders.

(c) September 2003 to October 2005: I was employed as a staff attorney for the Richland County Department of Social Services. I handled cases involving abused and neglected children, and vulnerable adults. I represented the agency in probable cause, merits, judicial review, permanency planning, and termination of parental rights hearings.

(d) October 205 to April 2012: I was employed as a legal trainer and resource attorney for the Children's Law Center at the University of South Carolina School of Law. As a legal trainer, I trained attorneys and child welfare professionals on such topics as trial advocacy, rules of evidence, effective testifying, legal writing, best practices, best interests, case theory, the Indian Child Welfare Act (ICWA), the Fostering Connection to Success an Increasing Adoptions Act of 2008, the Multi-Ethnic Placement Act (MEPA), the Interstate Compact on the Placement of Children (ICPC), Mandatory reporting of child abuse and neglect, child custody and guardianship, what constitutes reasonable efforts, permanency planning, devising meaningful treatment and placement plans, kinship foster care, alternative placements, and the administrative hearing process.

As a resource attorney, I provided legal guidance to child advocacy professionals and members of the legal community who contact the children's Law Center. I also presented at CLEs on various topics and authored, co-authored, updated and/or edited manuals and publications. Additionally, I provided research and drafted legal memos for Family Court Judges.

I served as a guest speaker at the South Carolina Foster Parent Association's (FPA) annual convention and at many of the FPA's monthly county meetings, on such topics as foster parents' rights,

advocating for foster children, what happens when foster parents are accused of abuse and/or neglect, and independent living services for foster children. I also served as the advisor to the Children's Advocacy Law Society at the University of South Carolina School of Law.

(e) July 2011 to March 2013: I served as an Associate Municipal Court Judge for the City of Columbia. As a part-time judge, I held court an average of two to five days per month. With exceptions. Municipal Court has jurisdiction over criminal offenses that are subject to fines of not more than $500.00 and/or imprisonment of not more than 30 days. Municipal Court judges preside over criminal, criminal domestic violence, traffic, quality of life and bond courts.

(f) April 2012 to April 2013: In April 2012, I left the Children's Law Center to become the Assistant Director of the SCDSS Office of Individual & Provider Rights/Administrative Hearings. I served as the legal advisor for the department and as supervisor of four administrative hearing officers. This office is responsible for hearing and deciding appeals regarding different federal and state social services programs including, but not limited to, foster care licensing denials and revocations, adoption application denials, adoption supplemental benefits, adoption investigator certifications, foster child removals from foster homes, Out-of-Home Abuse and Neglect (OHAN) investigations of foster parents and institutions, placement of perpetrators on the Central Registry of Child Abuse and Neglect. Group home and daycare licensing, Family Independence (FI) program, Supplemental Nutrition Assistance Program (SNAP), and the ABC Chile Care program. This office also handles civil rights and Health Insurance Portability and Accountability Act (HIPAA) issues. Appeals from decisions from this office are heard in Family Court or the Administrative Law Court.

(g) April 2013 to Present: I serve as a Family Court Judge for the Fifth Judicial Circuit. As a Family Court Judge, I have jurisdiction to hear and determine a myriad of matters, including, but not limited to, issues related to marriage, separation, divorce, division of marital property and debts, name changes, paternity determinations, child custody, visitation, child and spousal support, abuse and neglect of children and vulnerable adults, termination of parental

rights, adoption, juveniles charged with violating laws and/or ordinances, and requests for Order of Protection by victims of domestic abuse.

Judge Hurley reported that she has held the following judicial office:

(a) July 2011 to March 2013: I was appointed by the City Council to serve as an Associate Municipal Court Judge for the City of Columbia. As a part-time judge, I held court an average of two to five days per month. With expectations, Municipal Court has jurisdiction over criminal offenses that are subject to fines of not more than $500.00 and/or imprisonment of not more than 30 days. Municipal Court judge preside over criminal, criminal domestic violence, traffic, quality of life and bond courts.

(b) April 2013 to Present: In 2013, I was elected by the General Assembly to serve as a Family Court Judge for the Fifth Judicial Circuit. Family Court has jurisdiction to hear and determine a myriad of matters, including, but not limited to, issues related to marriage, separation, divorce, division of martial property and debts, name changes, paternity determinations, child custody, visitation, child and spousal support, abuse and neglect of children and vulnerable adults, termination of parental rights, adoption, juveniles charged with violating laws and/or ordinances and requests for Orders of Protection by victims of domestic abuse.

The following is Judge Hurley's account of her five most significant orders or opinions:

(a) Noojin v. Noojin, 417 S.C. 300, 789 S.E.2d 769 (Ct. App. 2016), this case addresses the concept parental alienation and "forced" visitation and is significant because it is the first in South Carolina to address these issues.

(b) SCDSS v. SB, L.B. and O.G., Appellate Case No.:2015-002008, 2017-UP-091. This was an appeal from a merits/removal hearing involving abused and/or neglected children. This case is significant because it demonstrates the imprint role Family Court plays in protecting the safety and wellbeing of children against the interest of tehri parents/guardians.

(c) SCDSS v. Mack, Appellate Case No.: 2014-000815, 2014-IP-363 and Appellate Case No.: 2014-000470, 2014-UP-

412. This case is significant to me because it was my first case appealed after I was elected to Family Court. It was a termination of parental rights case and I was affirmed by the Court of Appeals. I listed it only because it was a moment of validation for me.

(d) SCDSS v. Frank, Appellate Case No. 2019-001084, Opinion No. 5957 (Ct. App. Filed January 4, 2023). This case is significant because it involves the application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to abuse and neglect actions. Father argued that I improperly analyzed the UCCJEA in determining that South Carolina Ha subject matter jurisdiction because the case did not involve child custody and the abuse occurred in North Carolina. The Court of Appeals affirmed the application of the UCCJEA and found that under the UCCJEA a child custody proceeding includes a proceeding involving abuse and/or neglect of a child.

(e) Thompson v. Thompson, App. Case No. 2016-000122, 2017-UP-428. This case is significant because it involves bigamy and common law marriage.

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

(a) From 2013 until 2014, I assisted in a family-owned business. I did not receive any compensation for my services, and the business closed in 2014.

(b) From July 2011 to March 2013, I served as an Associate (part-time) Municipal Court Judge for the City of Columbia. During this time, I was employed full-time at the Children's Law Center. I received permission for dual employment from the Division of Human Resources at the University of South Carolina to accept the appointment to Municipal Court. The Chief Administrative Judge for Columbia Municipal Court during that time was The Honorable Dana D. Turner. The Director of the Children's Law Center at the time was Harry Davis.

(9) Judicial Temperament:

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

(10) Miscellaneous
The Midlands Citizens Committee on Judicial Qualification found Judge Hurley to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee noted: "Well qualified. Committee impressed with her compassion for juveniles. Can address the tough issues now before the Fam. Ct."

Judge Hurley is married to George Craig Johnson. She has two children.

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

(a) South Carolina Bar Association
(b) South Carolina Black Lawyers Association
(c) Family Court Bench Bar Committee, Chair 2019-2023
(d) SC Family Law American Inn of Court

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

(a) The Moles. Inc., co-chair of Resolutions/Recommendations Committee
(b) Jack & Jill of America, Inc., Chapter Historian
(c) Columbia Historic Foundation, Advisory Committee
(d) Delta Sigma Theta Sorority, Inc.
(e) Midlands Foundation for Foster Children Award (2018)
(f) Superhero Award, Richland County CASA (2019)
(g) The Emanuel Nine Award, Alpha Phi Alpha Fraternity, Inc. (2022)

Judge Hurley further reported:
I endeavor every day to live by the Gold Rule. From my years of exposure to, and experience in working in the funeral industry, I learned not to judge people by their appearance, but to treat everyone with dignity and respect no matter their race, creed, color, religion, sexual orientation, age or perceived statues in life. I believe that everyone's life is important and everyone has a story worth telling. A funeral director has to strike a delicate balance between the personal and professional. For example, a funeral director must be kind, patient and sympathetic to

a family's situation, but at the same time, must ensure the transactional side of planning a funeral is also handled.

Like a funeral director, a judge comes to contact with people going through difficult times, which requires a certain decorum and temperament. As I judge, I believe that I have carried what I have learned to the bench. I give everyone a chance to tell their story to the Court. I constantly strive to be patient, unbiased, respectful, and understanding, while at the same time decisive, equitable, firm and professional.

(11) Commission Members' Comments:
One affidavit was filed against Judge Hurley by Rhonda Meisner. Ms. Meisner provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavit, and any accompanying documents provided from the complainant, as well as oral testimony from Judge Hurley. After careful consideration of the testimonies, complaints, response, and accompanying documents, the Commission does not find a failing on the part of Judge Hurley in the nine evaluative criteria.

The Commission was impressed by Judge Hurley's passion for her work and commended her on being able to address the difficult issues that families and juveniles encounter.

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

The Honorable M. Scott Rankin
Family Court, Fifth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Rankin was born in 1965. He is 59 years old and a resident of Camden, South Carolina. Judge Rankin provided in his application that

he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

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

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

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

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

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

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

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

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

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

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

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

(5) Reputation:
Judge Rankin reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

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

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

(8) Experience:
Judge Rankin was admitted to the South Carolina Bar in 1993.

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

(a) 1992 – 1993 Law Clerk; Jack Swerling, Criminal Defense
(b) 1993 – 1995 Associate; D. Kenneth Baker, P.A., General Practice
(c) 1995 – 2019 Law Office of M. Scott Rankin, known as Rankin Law Firm, Solo practice firm practicing in the areas of Family Law, Family Court Mediations and Personal Injury
(d) 1998 – 2001 Public Defender; Kershaw County (by contract)
(e) 2010 – 2012 Burriss and Rankin, LLC
(f) 2006 – 2019 Part-time Magistrate, Kershaw County
(g) 2019 – Present Family Court Judge of the Fifth Judicial Circuit

I was the only person authorized to sign a check from the trust account with Law Office of M. Scott Rankin. My wife was the office manager and she handled accounts receivable and payable.

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

(a) Part-time Magistrate, Kershaw County, July 2006 – June 2019. Appointed. I handled the civil cases for Kershaw County and set bond one (1) week per month.
(b) Family Court Judge, Fifth Judicial Circuit, Seat 3. July, 2019 – Present. Elected.

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

(a) Jessica Malcolm v. Matthew Brakefield, 2020-DR-10-2247
(b) Jeffrey Carniol v. Quashema Williams, 2018-DR-40-1140
(c) Grant Meisner v. Rhonda Meisner, 2019-DR-40-2277
(d) Richland County Department of Social Services v. Breonte Glasgow, et al., 23-DR-40-1578.
(e) Aaron Baughman v. Stephanie Sanders, 2018-DR-42-2837

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

(9) Judicial Temperament:

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

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Rankin "Qualified" in the evaluative criteria of physical health, mental stability, and constitutional qualifications; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee noted: An asset to the Family Court bench!"

Judge Rankin is married to Charlotte Wallace Rankin. He has two children.

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

(a) Kershaw County Bar Association - President; 1995-1997
(b) South Carolina Bar Association - Member 1993 – Present

Judge Rankin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Lyttleton Street United Methodist Church, Camden, South Carolina - Evangelism Committee 2023- Present
(b) South Carolina Courts Mental Health Initiative Task Force, Children/Families Subcommittee - 2024

Judge Rankin further reported:
While I disclosed the following when I first applied six (6) years ago, I still feel it is very relevant today. When I was 12 years old, I was a voracious reader. I would read anything I could get my hands on. It did not matter whether it was Sports Illustrated, The Hardy Boys, or even World Book Encyclopedia, I read it. It was during this period that I discovered F. Lee Bailey. I became fascinated with his life as a Criminal Defense lawyer and specifically, his defense of Sam Sheppard. It was amazing how he successfully got a not-guilty verdict after Sheppard had previously been convicted of murdering his wife. I read The Defense Never Rests and For the Defense. After reading those books, as well as a few others, I was determined to become a criminal lawyer. I wanted to get justice for my clients. I knew that was my calling. Fast forward fifteen (15) years and I graduate from the University of South Carolina School of Law. At that time, I had no idea what kind of practice I wanted. Fortunately, Ken Baker hired me in December 1993 and he allowed me to handle a variety of matters. That is when I had my first experience with Family Court. I realized then that I enjoyed helping people solve their domestic problems. I believe part of that was due to the fact that my parents had divorced about a year earlier and their divorce was not amicable. I wanted to fix things that I could not with my parents. That carried over when I opened my own practice in 1995.

In addition, just a year prior to my serving as Family Court Judge, I had the experience of running into a former juvenile client. Samantha (name changed to protect her identity) was an assistant manager at a restaurant and she saw me walk through the door. After I was seated, she made her way over to our table. While I recognized her face, I could not place her name or how I knew her. She then told me her name and I immediately knew. Samantha was a troubled teen who had no respect for authority and she was essentially kicked out of her home by her parents. She ended up committing various crimes and spent some time at DJJ. I was appointed to represent her. This was approximately twenty-six (26) years ago. Samantha told me that she had turned her life around and had two

(2) children of her own. She said she was doing well and even had a good relationship with her parents. She then said "thank you." I was taken aback and asked her why. She stated that throughout her troubles, I was the one who stood by her and did not abandon her. Needless to say, I was floored. I did not realize what kind of an impact I could have on someone. It's those moments which make me realize what an even bigger impact I can have as a judge. While I know I cannot save every troubled teen, I can try to save as many as possible.

Over the past five (5) years as a Family Court Judge, I have prided myself on being courteous and kind to the attorneys and litigants who appear before me. It is important to me that those who appear in my courtroom leave feeling that they were heard and were treated with respect. I also strive to constantly look out for the best interests of our most vulnerable, our children. In fact, I, along with other judges and attorneys, are trying to find better solutions on issues impacting children involved with Department of Juvenile Justice, Department of Social Services, and Department of Mental Health. We have been holding meetings with various stakeholders in an effort to foster better communication and cooperation between these agencies.

(11) Commission Members' Comments:
One affidavit was filed against Judge Rankin by Rhonda Meisner. Ms. Meisner provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavit, and any accompanying documents provided from the complainant, as well as oral testimony from Judge Rankin. After careful consideration of the testimony complaint, and accompanying documents, the Commission does not find a failing on the part of Judge Rankin in the nine evaluative criteria.

The Commission commented that Judge Rankin enjoys an outstanding reputation at the courthouse. They noted his reputation as a very good lawyer; specifically, that he is conscientious and smart.

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

THURSDAY, JANUARY 16, 2025

The Honorable Coreen B. Khoury
Family Court, Sixth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Khoury was born in 1959. She is 65 years old and a resident of Lancaster, South Carolina. Judge Khoury provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

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

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

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

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

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

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

Judge Khoury reported that she has taught the following law-related courses:
I was a speaker for the 2020, 2021, 2022, 2023, 2024 Orientation School for new Family Court Judges. My topic was Family Court Clerk Rules. I introduced the topic of Clerk Child Support Rules to newly elected judicial and offered methods for handling these matters in Family Court.

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

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

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

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

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

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

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

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

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

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

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

(a) Thomas, Goldsmith, Folks and Hodges August 1985-August 1987
(b) Goldsmith, Folks and Hodges August 1987-March 1990
(c) Goldsmith, Folks, Khoury and DeVenny March 1990-December 1991
(d) Folks, Khoury and DeVenny December 1991-March 7, 2014
(e) Family Court Judge, Sixth Judicial Circuit Seat 1 March 17, 2014-present

The law firm of Folks, Khoury and DeVenny and its predecessors were general practice firms. I became a partner in the firm in January 2000. As a partner in the firm, I shared in the administrative and financial management of the firm. Throughout my legal career, I practiced predominately in the area of family law.

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

(a) Family Court Judge Sixth Judicial Circuit Seat 1
March 17, 2014 – present.
Elected February 5, 2014 by the legislature, re-elected February 6, 2019 by the legislature. Family Court is a court of limited jurisdiction. Exclusive and concurrent jurisdiction is conferred on this Court by the SC General Assembly. The Family Court has exclusive jurisdiction over all matters involving family relationships including actions for separate support and maintenance, divorce, alimony, custody, visitation, child support, adoption, termination of parental rights, division of marital assets and debts, name changes, juvenile truancy and criminal matters and cases involving the abuse and neglect of minor children and vulnerable adults.

(b) Lancaster County Juvenile Drug Court
2005-present
Appointed by Chief Justice

(c) Lancaster County Adult Drug Court
2018 (as needed)
Appointed by Chief Justice

In these Courts, I preside over hearings during my scheduled weeks. I review the progress of the participants and impose sanctions for violations of Drug Court rules and conditions.

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

The only Orders issued from Drug Court are bench form Orders. Five of my most significant Family Court Orders are;

(a) South Carolina Department of Social Services vs. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018). This case is significant because it clarified the issue of standing to pursue a private action for adoption of children in the care of the Department of Social Services. To attain standing, the person who petitions for adoption must first be a resident of South Carolina. Second, the child must not have been placed by the Department of Social Services for adoption at the commencement of the adoption action. The South Carolina Supreme Court reversed the decision of the Court of Appeals and remanded the case to the Family Court to proceed with Petitioners' action for adoption.

(b) Stradford vs. Wilson, 378 S.C. 301, 662 S.E.2d 491 (Ct. App. 2008). This was a case that I tried as an attorney but it remains a significant order. I have used the findings and legal arguments in deciding cases involving the name change of minor children. The parties to this action were not married. Father petitioned the Court to change the child's surname to the name of his family. The Court determined that both parents have an equal interest in a child bearing their respective surname. The Court held that the party attempting to change the child's name must establish by a preponderance of the evidence that the name change is in the child's best interests. The Court further enumerated the factors to consider when making a determination as to whether the name change is in the child's best interest.

(c) Sherrie Storey vs. Scott Souzza, 2011-DR-43-1390. The case was a contested custody case involving two fit parents. Each party possessed strengths and characteristics that would be beneficial to the growth and development of the children. Each parent had the ability to provide for the children financially, physically, emotionally and spiritually.

This case is significant in that it is representative of the difficulty faced by Family Court judges in crafting decisions that serve the best interest of the children, allow the children to spend quality time with both parents and provide the children with a somewhat normal life routine. Contested custody cases are always difficult for children, litigants, lawyers and judges.

(d) Kristen and Jesse Anderson vs. Justin Haile, 2018-DR-29-256. This matter involved a request to terminate the parental rights of the Defendant (Plaintiff's ex-husband and biological father of the children) and a request to adopt by the stepfather (Plaintiff's husband). Cases involving the termination of the relationship between a parent and child are some of the most difficult cases that a Family Court judge is called upon to hear and render a decision. The judge may order a termination of parental rights only after making two findings based upon clear and convincing evidence. First, the judge must find that one or more legal grounds exists for termination. Secondly, the judge must find that the termination of parental rights is in the best interest of the minor child. This case is significant because the Court found by clear and convincing evidence that a legal ground existed for the termination of the Defendant's parental rights. (Failure to visit in excess of six months) However, the Court did not find clear and convincing evidence that best interest of the minor children would be served by terminating the Defendant's parental rights. The Defendant, while struggling with the break-up of his marriage, the effects of two combat military tours and undiagnosed PTSD, believed it was in the children's best interest to stop his physical contact with them. The Defendant, however, never stopped loving his children, supporting his children financially or trying to become a better person for them. Defendant was willing and able to provide for the needs of the children. In addition, keeping the father's rights intact did not affect the children's quality of life, disrupt their current stability or interfere with their relationship with their father, stepfather or extended families.

(e) Sheryl B. Broome vs. Barry S. Broome, 2019-DR-46-794. This was an action for divorce. The parties in this matter had been married for 32 years and the issues before the Court

were divorce, equitable distribution of debts and property, alimony and attorney fees. This case is significant in that it is representative of the process used in making decisions with regards to the equitable distribution determination, the award of alimony and the award of attorney fees.

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

(a) Lancaster County Juvenile Drug Court-2005 to present
(b) Lancaster County Adult Drug Court-2018 to present (as needed)

Drug Court is a diversion court administered through the office of the Sixth Judicial Circuit Solicitor. I preside over the hearings scheduled during my assigned weeks to monitor progress of the participants and impose sanctions for any violations of Drug Court rules and conditions. These hearings take place after regular business hours. I serve in these capacities without additional compensation.

Judge Khoury further reported the following regarding unsuccessful candidacies:
In February of 2008, I was unsuccessful in my race for Family Court Judge, Sixth Judicial Circuit Seat 2.

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

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Judge Khoury to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented that, "Judge Khoury is a conscientious, dedicated public servant who brings a wealth of family law experience to the Family Court bench. The committee strongly recommends that she be reelected to another term of service."

Judge Khoury is married to Jeffery L. Hammond. She has two children.

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

(a) South Carolina Bar Association
(b) Lancaster County Bar Association
(c) South Carolina Women Lawyers Association
(d) South Carolina Conference of Family Court Judges
    a. 2018-2019 Secretary/Treasurer
    b. 2019-2020 Vice President
    c. 2020-2021 President
(e) South Carolina Family Law American Inn of Court

Judge Khoury provided that she was not a member of a civic, charitable, educational, social, or fraternal organization.

Judge Khoury further reported:
As a parent, community partner, teacher, lawyer and judge, I have seen how decisions made in Family Court affect the lives of litigants, families and friends. I have dealt with clients in distress and turmoil. I have experienced the stress and pressures of a Family Court practitioner. As a judge, I hope to never lose sight of the emotions of litigants, the pressures of Family Court practitioners and the importance of each and every decision made in Family Court. Each day I attempt to behave in a way that facilitates conflict resolutions and not in a fashion that spurs emotional strife. I am courteous to litigants, lawyers and court personnel. I am attentive during hearings, well versed in the law and render decisions in a timely fashion. I try to remember that what is routine and common to me as a regular participant in Family Court is new and terrifying to most litigants and witnesses. I hope to be viewed as a judge who uses her gut, heart and head to render good, just and fair decisions. I hope that litigants and lawyers leave the courtroom feeling their stories were heard, their positions considered and they were treated with respect in the resolution of their disputes.

(11) Commission Members' Comments:
The Commission commented that Judge Khoury stands out amongst Family Court judges. The Commission noted that she is doing an excellent job.

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

THURSDAY, JANUARY 16, 2025

The Honorable Angela J. Moss
Family Court, Seventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Moss was born in 1968. She is 56 years old and a resident of Inman, South Carolina. Judge Moss 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. She was also admitted to the Georgia Bar in 1994.

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

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

Judge Moss 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 Moss 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 Moss to be intelligent and knowledgeable.

Judge Moss reported that she has taught the following law-related courses:
(a) Presentations regarding legal practice to high school students at Spartanburg Christian Academy and High Point Academy.
(b) Seventh Circuit Tips from the Bench; presented to local attorneys regarding practicing in Family Court.
(c) 2022 Family Court Judge Orientation School; presented to newly elected Family Court judges.

Judge Moss reported the following regarding any published books or articles:
No legal books or articles. In the early 1990's, I worked as a sports reporter with the Spartanburg Herald-Journal and had articles published

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

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

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

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

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

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

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

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

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

(a) Albert V. Smith, P.A., Associate; 1/1995-11/1996; General practice of law concentrating in civil, criminal and Family Court cases. No management responsibilities.
(b) Seventh Judicial Circuit Solicitor's Office; Assistant Solicitor I, Assistant Solicitor II, Assistant Solicitor III: 11/1996-11/2000; Prosecution of General Sessions felony and misdemeanor caseloads; Prosecution of juvenile defendants in Family Court; Supervised/managed Cherokee County office (1998-1999).
(c) Phillip K. Sinclair, LLC, Associate; 2000-2006; General practice of law, concentrating in civil, criminal and Family Court cases. Limited management responsibilities; No management of trust accounts.
(d) Seventh Judicial Circuit Public Defender's Office; Senior Assistant Public Defender III; 11/2000-3/2021; Defended accused adults in Magistrate, Municipal and Transfer Courts; Defense of juveniles in Family Court and Juvenile Drug Court; No management responsibilities.
(e) Private practice; Family Court Mediator; 2018-3/2021; guardian ad litem; 2006-3/2021; Mediation of Family Court cases and serving as guardian ad litem for children and adults in Family Court and Probate Court; Responsible for trust account.
(f) Family Court Judge, Seventh Judicial Circuit, Seat 1; 3/15/2021-present; Hearing and deciding Family Court cases.

Judge Moss reported that she has held the following judicial office(s):
Family Court, Seventh Judicial Circuit, Seat 1
Date of Election: February 3, 2021
Dates of Service: March 15, 2021 to the present

Jurisdiction: Family Court

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

(a) Richard T. Goldsmith v. Hailey W. Efird, Op. No. 2023-UP-377 (S.C. Ct. App. filed November 28, 2023). In this case the Court of Appeals affirmed my decision to allow the non-custodial mother to have extended visitation as the extended visitation was in the child's best interests. After considering the facts, I attempted to craft a visitation schedule to accommodate and protect the child. The unique facts of the case precipitated the decision to grant the Mother more time with the child than many customary schedules. This case was a great reminder that each case has unique facts which must be considered carefully.

(b) Wesley Lynn Flowers v. Heather Nicole Stephens, 2022-DR-42-2400. This action was brought by the father of the minor child to establish visitation and other related relief. I heard the Temporary Hearing in the matter. At that hearing, I ordered a step-up type schedule wherein the father would have the opportunity to work up to a standard-type visitation schedule. The mother was opposed to the visitation. I later found out that the father followed the order and established a good relationship with the child. Eventually the parties reconciled and are currently raising the child together. This is a great example of the importance of each step of the litigation process. Temporary Hearings and Temporary Orders matter. They set the tone and pave the way for the final resolution.

(c) Virginia R. McCall v. Brett W. McCall, 2020-DR-42-0939. In this matter, the pro se Plaintiff filed a custody modification action. As the parties could not come to agreement, the case ended with a four-day trial. This was my first lengthy trial with a pro se litigant.

(d) Jayro Sales Khan v. Anna Marie Cauble, 2023-DR-11-0166. This case presented an interesting question regarding subject matter jurisdiction. There were potential UCCJEA issues as well.

(e) John Doe et al v. Sally Roe et al, 2023-DE-11-0380. This was an action for termination of parental rights. This was a lengthy trial with two pro se Defendants. Termination of parental rights is a difficult matter regardless of the facts of the case. This was a challenging trial, but the decision was obvious after hearing the testimony. The child's best interests were served with the termination of the parental rights.

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

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Moss 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 related comments.

Judge Moss is married to Danny W. Moss. She has two children.

Judge Moss reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) Spartanburg County Bar Association
(c) South Carolina Conference of Family Court Judges

Judge Moss provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
Boiling Springs First Baptist Church - volunteer

Judge Moss further reported:
Now that I have served as a judge, I have worked in practically every aspect of Family Court. With this experience, I have had the unique opportunity to view and experience Family Court through various lenses. This has been such a blessing and aided me I carry out my duties. Day by day, case by case, I have steadily accumulated life experience which have proven to be invaluable in my role. The decisions in Family Court have a real, significant and lasting impact. The magnitude of this is something I consider and carry daily. It has been such a privilege and honor to serve as a Family Court judge and I am thankful for the opportunity.

(11) Commission Members' Comments:
The Commission members commented that Judge Moss has a great reputation as a jurist. They encouraged her to continue her good work on the bench.

(12) Conclusion:
The Commission found Judge Moss qualified, and nominated her for re-election to Family Court, Seventh Judicial Circuit, Seat 1.

The Honorable M. Todd Thigpen
Family Court, Seventh Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Thigpen was born in 1970. He is 54 years old and a resident of Roebuck, South Carolina. Judge Thigpen provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

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

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

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

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

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

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

Judge Thigpen reported that he has taught the following law-related courses:
(a) I co-presented and prepared the written materials for the Case Law Update: "Custody, Child Support, and Visitation" at the 2007 South Carolina Trial Lawyers' Association Annual Convention;
(b) In 2010, I lectured to a group of student therapists from Converse College about HIPAA, subpoenas, qualification as an expert witness, a therapist's role in child custody cases, and other areas of family law;
(c) I was a panel member for a panel discussion at the 2012 Program Attorney Training: Information to Represent Volunteer Guardians ad Litem;
(d) I assisted in training volunteer guardians ad litem for the Spartanburg County Guardian ad Litem Program on four or five occasions between 2002 and 2015;
(e) On March 18, 2022, I spoke at the South Carolina Family Court Summit about Pro Se Day along with the Honorable Amy W. Cox, Spartanburg County Clerk of Court;
(f) On May 6, 2022, I presented Tips from the Family Court Bench at the Seventh Judicial Circuit Tips from the Bench seminar sponsored by the South Carolina Bar CLE Division and South Carolina Bar Young Lawyers Division along with the Honorable James F. Fraley, Jr. and the Honorable Angela J. Moss;
(g) On April 14, 2023, I served on a panel about Judges' Observations and Advice at a Family Law CLE hosted by KD Trial Lawyers along with the Honorable Usha J. Bridges, the Honorable James F. Fraley, Jr., and the Honorable Angela J. Moss; and
(h) On or about June 2, 2023, I spoke to lawyers appointed to represent defendants in DSS child abuse and neglect cases under Rule 608, SCACR, along with the Honorable Usha J. Bridges.

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

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

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

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

(5) Reputation:
Judge Thigpen reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

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

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

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

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

(a) After I was admitted to the South Carolina Bar on November 18, 1996, I opened my own law office as a sole practitioner in Spartanburg, South Carolina; my practice was devoted almost exclusively to Family Court cases; and I handled thousands of Family Court cases in the twenty-two and one-half years I practiced law;
(b) From 1997 until 2004, I represented indigent Family Court clients through Piedmont Legal Services' Private Bar Involvement Program;
(c) From 1998 until 2019, I was appointed to serve as the guardian ad litem in about nine hundred private Family

Court cases involving the issues of child custody, visitation, adoption, termination of parental rights, and name change;

(d) From about 2002 until June 30, 2015, I was a contract attorney for the Spartanburg County Volunteer Guardian ad Litem Program, and I represented volunteer guardians ad litem in thousands of DSS child abuse and neglect hearings during that time;

(e) I have been a certified Family Court Mediator since 2002, and I mediated approximately five hundred Family Court cases between July 1, 2013 and June 30, 2019;

(f) From about 2004 until 2019, I did legal work on occasion for the General Counsel's Office at Spartanburg Regional Health Services District, Inc. primarily filing petitions in Probate Court to have a guardian and/or conservator appointed for its patients who were incapacitated and did not have adult relatives who were willing or able to serve as their guardian or conservator; and

(g) On February 6, 2019, I was elected to serve as Judge of the Family Court, Seventh Judicial Circuit, Seat 2, upon the retirement of the Honorable James F. Fraley, Jr., and I have served as a full-time judge since July 2, 2019.

Judge Thigpen reported that he has held the following judicial office(s): On February 6, 2019, I was elected to serve as Judge of the Family Court, Seventh Judicial Circuit, Seat 2, and I have been a full-time Family Court judge since July 2, 2019. Because the Family Court is a statutorily created court, its jurisdiction is limited to the exclusive jurisdiction set forth in Section 63-3-530 of the South Carolina Code of Laws and other statutes.

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

(a) Blackwell v. Blackwell, 2018-DR-42-1590. This was a high-conflict child custody modification action between father and mother, who shared true joint custody of their four minor children on a week-to-week schedule when the case was filed. This case was significant to me because it was my first five-day trial as a judge; I heard from nine witnesses, including four experts; and I reviewed thirty-six exhibits consisting of hundreds of pages. In addition, the case is memorable to me because the trial was interrupted by

two tornado warnings, and a tornado actually passed within one black of the courthouse during the trial. Therefore, because of the tumultuous relationship between the parents and their inability to co-parent, I concluded it was in the best interests of the parties' four minor children for father to be awarded sole custody and for mother to be granted standard visitation.

(b) SCDSS v. Turner, et al., 2020-DR-42-1235. This was a two (2) day DSS child abuse case wherein mother and her boyfriend were accused of physically abusing mother's seven-year-old son. Although I have tried many DSS child abuse and neglect cases over the years, this case was significant because I concluded after hearing the testimony of the child's therapist that the child should be allowed to testify outside the presence of mother and her boyfriend, who were able to view the child's testimony on a television in another room, under the procedure adopted in SCDSS v. Wilson, 352 S.C. 445, 574 S.E.2d 730 (2002). Thus, after carefully considering all of the evidence before me, I made a finding of physical abuse against mother and her boyfriend and directed them to complete a treatment plan. Mother's parental rights were subsequently terminated by another Family Court judge, and the Court of Appeals affirmed that decision in SCDSS v. Turner, Unpublished Opinion No. 2024-UP-202.

(c) Privette v. Garrity, Unpublished Opinion No. 2021-UP-316, and Privette v. Jefferies, Unpublished Opinion No. 2021-UP-317. These opinions are from a termination of parental rights and adoption action I tried for two days. After carefully considering all of the evidence before me, I concluded it was in the minor child's best interests to terminate the parents' parental rights and allow the grandparents to adopt the child. Because both parents appealed, the Court of Appeals issued two separate opinions affirming my decision. Although I have been affirmed in several DSS termination of parental rights cases over the past five years, this case is significant to me because it is the only private termination of parental rights and adoption action that I have heard that was appealed.

(d) In the Interest of Da'Careian G., a Juvenile Under the Age of Eighteen, 2019-JU-42, 187. This was a case where the

juvenile was charged with murder, and the state requested for jurisdiction over the murder charge to be transferred from Family Court to Circuit Court. This case was significant to me because it was the first waiver hearing I had ever been involved with in my career. At the beginning of the hearing, the juvenile's attorney requested that I hold a hearing pursuant to Jackson v. Denno, 378 U.S. 368 (1964), to determine if the juvenile's confession to police was voluntary and admissible at trial. After the attorneys consented to me reviewing five separate videos of the juvenile's statements to police in chambers prior to the start of the trial, I specifically considered the relevant factors and concluded the juvenile's statements were voluntary. Thereafter, the state called three (3) witnesses, including the psychologist who conducted the juvenile's Pre-Adjudicatory Transfer (Waiver) Evaluation, and introduced eighteen exhibits; the juvenile testified he had freely and voluntarily decided not to testify after his attorney had explained all of his rights to him; and the juvenile's attorney only called the juvenile's mother to testify. Therefore, after taking the matter under advisement and carefully considering the relevant statutes and case law, I concluded it was necessary to transfer the juvenile's pending murder charge to the Circuit Court where the juvenile ultimately pled guilty and was sentenced to twenty-five years in prison.

(e) Jolley, et al. v. Spade, 2010-DR-42-3372. This was a case where the parental rights of the biological father (Mr. Spade) were terminated and the stepfather (Mr. Jolley) was allowed to adopt the minor child in 2012. On October 18, 2018, Mr. Spade filed a motion for new trial based on newly discovered evidence and fraud upon the court (motion). After several continuances for various reasons, the motion appeared on my docket on January 9, 2023 for an evidentiary hearing to determine if Mr. Spade was entitled to any relief under S.C. Code Ann. § 63-9-770(B) or Rule 60(b)(5), SCRCP. However, at the commencement of the hearing, the parties and their attorneys informed me that the parties waived their right to present testimony because they believed I could issue a decision based on the nineteen exhibits they agreed to introduce into evidence, including transcript excerpts from three separate trials, multiple

emails, and various court orders. In short, although it took me several months to review the exhibits and over ten years of court records, I issued a sixteen-page order denying Mr. Spade's motion; I denied Mr. Spade's motion to reconsider; and it is my understanding the case is currently being appealed to the Court of Appeals. The reason this case is significant to me is because it is the first and only time I have been required to rule on a post-trial motion where I was not the trial judge.

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

Judge Thigpen further reported the following regarding unsuccessful candidacies:

(a) In 2012, I was a candidate for the newly created seat for Judge of the Family Court, At-Large, Seat 6; the JMSC found me Qualified, Not Nominated; and the Honorable David E. Phillips was elected to that seat; and

(b) In 2016, I was a candidate for the newly created seat for Judge of the Family Court, At-Large, Seat 7; the JMSC found me Qualified, Not Nominated; and the Honorable Thomas T. Hodges was elected to that seat.

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

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Thigpen 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 provided no summary statement or related comments.

Judge Thigpen is married to Laurie Lynn Ver-Cauteren Thigpen. He does not have any children.

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

(a) South Carolina Bar, Member of Family Law Section;
(b) American Bar Association, Member of Family Law Section; and
(c) Spartanburg County Bar; Member of Family Court Committee (2012-2019); and Chair of Family Court Committee (2018-2019).

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

Judge Thigpen further reported:
Because I have had family members involved in Family Court litigation, I understand firsthand how every decision I make as a judge affects the lives of litigants, but most importantly the lives of children involved in the cases before me. In addition, because I was a Family Court practitioner for twenty-two and one-half years before I became a Family Court judge, I make every effort to be courteous, respectful, and fair to every lawyer and litigant who appears before me. In short, I believe my almost twenty-eight years of experience as a Family Court lawyer and judge should reflect positively on my candidacy to be reelected as a Family Court Judge.

(11) Commission Members' Comments:
The Commission members commented that Judge Thigpen contributes to efficient docket management as a Family Court Judge and has an outstanding temperament as a jurist. They noted that his ability to be friendly, fair, but firm has ably served him in discharging his responsibilities in Family Court.

(12) Conclusion:
The Commission found Judge Thigpen qualified, and nominated him for re-election to Family Court, Seventh Judicial Circuit, Seat 2.

The Honorable Bryan C. Able
Family Court, Eighth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Judge Able was born in 1961. He is 63 years old and a resident of Laurens, South Carolina. Judge Able provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

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

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

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

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

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

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

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

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

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

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

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

(5) Reputation:
Judge Able reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

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

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

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

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

(8) Experience:
Judge Able was admitted to the South Carolina Bar in 1987.

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

(a) 1987-1991 - Culbertson, Whitesides & Turner – Associate – General Practice
(b) March 1991 – 1994 – Laurens City Judge – City of Laurens SC
(c) 1991-1996 - Culbertson, Whitesides, Turner & Able – Partner – General Practice – I was involved daily with the

administrative and financial management of the firm including the management of trust accounts.

(d) 1992 - September 2004 - Contract Attorney for the South Carolina Department of Social Services – I appeared as attorney of record for DSS in Laurens, Greenwood, Abbeville and Newberry Counties handling all abuse and neglect cases involving children and vulnerable adults.

(e) 1996-1999 - Turner & Able, L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.

(f) 2000-2001 - Turner, Able and Burney L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.

(g) 2002 to present - Bryan C. Able, Attorney at Law – General Practice – I am a sole practitioner. I am involved daily with the administration and financial management of my firm including the management of my trust account.

(h) 2005 – 2006 - Assistant Laurens County Public Defender – I handled appointed criminal cases before the Court of General Sessions.

(i) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County.

(j) June 2013 - present – Associate Judge of Probate, Laurens, SC - I am responsible for hearing and adjudicating all contested hearings concerning all aspects of the courts' jurisdiction under Section 62-1-302; decedents' estates, trust, and Article 5 protective proceedings. During my tenure as judge, I have presided over numerous cases, not only in Laurens County but from other counties as well. I have had the honor of being appointed by the Supreme Court to hear and preside over cases in other counties.

(k) July 2014 – present – Family Court Mediator

(l) February 2018 – present – General Counsel – Laurens Commission of Public Works.

Judge Able further reported regarding his experience with the Family Court practice area:

Divorce: I have handled hundreds of divorce cases over my 37 years of law practice. Some cases were very complex involving substantial marital estates and support issues. Others were simple involving no-fault grounds for divorce and little or no property issues. I have brought divorce actions involving all grounds of divorce. Many divorce cases I have handled have been highly contested and have taken several days to try. Some have been settled prior to trial by mediation or negotiation and were placed on the record in 15 minutes. I have handled cases for separate support and maintenance and common law marriages.

Equitable Division of Property: Many of the divorce cases I have handled have involved the division of the martial estate. Often these marital estates can be quite substantial and consist of real and personal property, retirement accounts, stocks, brokerage accounts, cash value of life insurance and cash held in savings or checking accounts. I have worked with experts to value property and businesses that are part of marital estates. I have handled cases that involve issues of transmutation of non-marital assets and the validity of pre-nuptial agreements.

Child Custody: Many divorce cases I have handled have involved issues of child custody and visitation issues. I have represented parents of children ranging in all ages including adult disabled children and children that were special needs. I have represented both fathers and mothers in paternity actions where the issues of custody and visitation were litigated. I have represented grandparents and great grandparents who have brought custody actions.

Adoptions: I have handled many adoptions during my career. I have handled adoptions involving stepparents adopting stepchildren where the parental rights of the biological parent had to be terminated. I have handled adoptions for couples who have adopted children born out of state. I have handled adoptions for grandparents or great grandparents adopting grand children or great grandchildren. I have handled adoptions for foster parents. I have handled adoptions for persons who are unrelated by blood or marriage to the child(ren) being adopted.

Abuse and Neglect: I was a contract attorney for the South Carolina Department of Social Services (DSS) for 12 years. In 1992 I began contracting with DSS in Laurens County. In 1993 I contracted with Greenwood and Abbeville County. Lastly, I contracted with Newberry County. In my 12 years as a DSS contact attorney I handled all of the

abuse and neglect for the four counties named above. I handled all 72 hour Probable Cause hearings, all merits hearing and trials, all review hearings and all termination of parental rights hearings and trials. In addition, I handled all aspects of any appeals filed naming DSS as a party. I handled all cases involving vulnerable adults.
When my contract with DSS ended in 2004, I began representing parents that have been accused of abuse and neglect. I have handled cases where the Family Court has ruled that DSS did not meet its burden of proving by a preponderance of the evidence that the parent(s) had abused or neglected the child(ren) and dismissed the case.

Juvenile Justice: I have represented juveniles before the Family Court who have been accused of committing crimes. I have handled all aspects of juvenile cases involving the detention hearing, trial and disposition. I have represented juveniles where the issue before the court is whether the charge should be waived up to General Sessions or retained in Family Court.

On average appear before the Family Court 2-3 times each week.

Judge Able reported the frequency of his court appearances prior to his service on the bench as follows:
(a) Federal: ;
(b) State: 100%.

Judge Able reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) Civil: 5%;
(b) Criminal: 10%;
(c) Domestic: 85%;
(d) Other: 0%.

Judge Able reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%;
(b) Number of cases that went to trial and resulted in a verdict: 15.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0.

(d) Number of cases settled after jury selection but prior to opening statements: 0.

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

The following is Judge Able's account of his five most significant litigated matters:
(a) State of South Carolina v. Ashley N. Hepburn, Appellate Case No. 2011-190695.
Tried in Laurens County; Court of General Sessions February 22 to March 3, 2011

I represented Ms. Hepburn at trial. Ms. Hepburn was charged with homicide by child abuse. On the evening of October 13, 2009, Ms. Hepburn's sixteen-month-old daughter (the victim) became unresponsive and was admitted to the hospital in Greenwood, South Carolina. She eventually died in a Greenville hospital on October 17, 2009. No one, including Ms. Hepburn, disputed that the victim died from child abuse. There were only two people that could have killed the victim, either Ms. Hepburn or her boyfriend, as they were home with the victim on the night she sustained her fatal injuries.

At the close of the States evidence, I moved for a directed verdict pursuant to Rule 19 SCRCrP claiming the State had fail to present substantial circumstantial evidence that Ms. Hepburn committed the crime charged. I argued the State's evidence merely rose to a suspicion that Ms. Hepburn committed the crime, and this mere suspicion was insufficient to survive a directed verdict motion, in that the State had only proven that Ms. Hepburn was in the home when the victim sustained the fatal injuries. I conceded that the State had proven that the child died from homicide by child abuse but argued that the State had not proven that the child abuse was inflicted by Ms. Hepburn.

The Court denied my motion for a directed verdict. The jury found Ms. Hepburn guilty of homicide by child abuse and she was sentenced to 45 years imprisonment.

I did not handle the appeal; however the Supreme Court directed a verdict of acquittal finding the trial court erred in refusing to grant my mid-trial motion for directed verdict. The Supreme Court held in

reversing the trial courts refusal to direct a verdict of acquittal that the State did not put forward sufficient direct or substantial circumstantial evidence of Ms. Hepburn's guilt.

(b) South Carolina Department of Social Services v Robert David Johnston Jr. and Christy Dawn Johnston
Tried in Laurens County Family Court; December 13, 14,15, 17,20, 21, and 22, 2010
2007-DR-30-648
2007-DR-30-775
This was a child abuse case. I represented Mr. Johnston. DSS sought an Order of the Court to make an affirmative determination that Mr. Johnson did sexually and physically abuse his four (4) children and ordering that Mr. Johnston's name be listed in the Statewide Central Registry for Child Abuse and Neglect. The case involved the testimony of many medical experts and one of the children. After seven (7) days of trial the Court found that DSS had failed to prove by a preponderance of the evidence that Mr. Johnston sexually or physically abused his children and ordered the case dismissed.

(c) Belinda Godfrey v William R. Godfrey
Tried in Laurens County Family Court; December 3-4, 2007
06-DR-30-485
This was a divorce case. I represented Ms. Godfrey. Prior to trial the parties reached an agreement on all issues raised in the pleading with the exception of whether or not the lake lot inherited by Mr. Godfrey had been transmuted to marital property and if so transmuted, how was it to be divided between the parties.
The court found that the evidence and testimony presented clearly showed it was the intent of Mr. Godfrey to transmute the lot on Lake Greenwood into marital property.
The court ordered that Ms. Godfrey and the parties minor child could remain in the marital home upon the Lake Greenwood lot until the minor child graduated from high school and at that time the property would be listed for sale and the net proceeds divided equally between the parties.

(d) James H. Holliday v Tiffany M. Holliday
Tried in the Laurens County Family Court; June 13-14, 2005
04-DR-30-519
This was a child custody and relocation case. I represented Ms. Holliday. Mr. Holliday brought the action seeking full custody of the parties minor

child based on a substantial change of circumstances. By prior Order of the Court dated August 9, 2001 the parties had been granted joint custody of the minor child "with the child living with the mother on a final and permanent basis." By subsequent divorce order dated June 12, 2003 all provisions concerning custody and visitation contained within the previous Order dated August 9, 2001 were to "remain in full force and effect." Subsequent to the parties divorce Ms. Holliday relocated with the minor child from Laurens County, SC to Greencove Springs, Florida. Ms. Holliday's move to Florida was alleged by Mr. Holliday to be a substantial change of circumstances.

The court found that a substantial change of circumstances that would warrant a change in custody or that would warrant changing the minor child living with his mother and having visitation with his father had not occurred. The Court ordered that the parties would have joint custody of the minor child being defined as the child living with mother and mother making the day-to-day decision concerning the child and father having visitation.

(e) Derry Julian Bundrick v Melissa Ann Darnell Bundrick
Tried in Laurens County Family Court; April 24, 2012
2010-DR-30-316

This was a divorce case. I represented Ms. Bundrick. The issues to be decided by the court were equitable division of a considerable marital estate, alimony, restraining orders and attorney's fees.

The parties had been married for 40 years at the time of the pleadings being filed.

After a day of trial, the Court divided the marital estate equally between the parties with Ms. Bundrick being awarded the martial home and ordered Mr. Bundrick to pay Ms. Bundrick permanent periodic alimony together with Ms. Bundrick's attorney's fees.

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

(a) Johnny Lee Johnson v. Phillip Flaugher – SC Supreme Court

(b) Jennifer Satterfield by her Guardian Ad Litem, Pam Satterfield v. Dillard Department Store – SC Court of Appeals

(c) South Carolina Department of Social Services v. Jason Ihnatiuk et al. - SC Court of Appeals

(d) South Carolina Department of Social Services v. Jacqueline D. Sims et al. - SC Court of Appeals

(e) South Carolina Department of Social Services v. Grace Williams, Robert Williams, Jr. and Briana J. A. W. and Justin L. W. - SC Court of Appeals

The following is Judge Able's account of the criminal appeal he has personally handled:
Municipality of Fountain Inn v Monique Tucker
Greenville County Court of Common Pleas
August 11, 2014
(Municipal Court appeal to Court of Common Pleas)

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

(a) Laurens City Judge, Appointed, City of Laurens, SC - March 1991 – 1994

Criminal jurisdiction up to limit of the statutory fine or thirty (30) days in jail.

(b) Associate Judge of Probate, Appointed, Laurens County, SC - February 2013 – Present

Jurisdiction pursuant to Section 62-1-302

Judge Able provided the following list of his most significant orders or opinions:
(a) Deborah Parsons, Personal Representative of the Estate of William Edward Carr v. Darlene Brashwell, Ralph L. Braswell, Jr., Tammy Foster and Melissa Glass
2011-ES-30-0081 (Tried February 2, 2016)
(b) Ralph Wayne Ramsey and Marshall E Ramsey v. Roger Dean Ramsey and Janet Ramsey
2007-ES-30-408 (Tried May 19, 2015)
Appealed to Laurens County Court of Common Pleas. 2015–CP–30–727. By order of Jean Hoefer Toal, Presiding Judge of the Court of Common Pleas it was ordered that the Orders of the Probate Court (2007–ES–30-0408), including the order dated September 9, 2015, "are final and subject to immediate enforcement."
(c) Bianca Jackson v Angela Brunside
In the matter of: the Estate of Willie C. Jackson 2014–ES-30-0222 (Tried May 12, 2015)
(d) In the matter of: The Estate of Stanley W. Davis
Victoria Laura Bishop v Eugene M. Griffin, Lonnie Griffin, Mary E. Raines, Joan G. Rook and Betty G. Tollison
2016–ES–30-146 (Tried July 19, 2016)

(e) Nancy Valdivia v Ann Kelly
2016-GC-30-18 (Tried October 27, 2016)

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

(a) 2002 to present - Bryan C. Able, Attorney at Law – General Practice
(b) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County. Supervisor: Jana Nelson
(c) July 2014 – present – Family Court Mediator
(d) February 2018 – present – General Counsel – Laurens Commission of Public Works.

Judge Able further reported the following regarding unsuccessful candidacies:
Family Court, At-Large Seat 2 - 2019
Family Court, Eighth Circuit, Seat 1 - 2017
Circuit Court, Eighth Circuit, Seat 1 - 2009
Circuit Court, Eighth Circuit, Seat 2 - 2008
Solicitor, Eighth Judicial Circuit – 2004

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

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Judge Able "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee noted: "Of all of the candidates for this seat, Mr. Able offers the widest and deepest experience. He has judicial experience as an Associate Probate Judge, and his compassion, commitment to service, and humility are remarkable. The Committee strongly commends him for the Commission's consideration."

Judge Able is married to Esther Ruth Myers Able. He has three children.

Judge Able reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) South Carolina Association of Probate Judges

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

Judge Able further reported:
Over the past 37 years, I have met many different people while practicing law in the Family Court. I have represented and worked with people of great wealth and high levels of education. I have also represented and worked with people who have been very poor and could not read or write. I often can be at the courthouse talking with a judge and a group of lawyers between hearings about everyday topics like family or sports but then stop to speak to the custodians or sheriff's deputy in the hall to ask about his or her family or their plans for the weekend. I was raised to believe that a person is not judged by his station in life or how much money or education he or she has, but what that person is doing with their life.
I want everyone who appears in front of me as a judge to leave my courtroom believing that they had been treated fairly by someone who is patient, understanding, compassionate and willing to listen. No matter their station in life or their resources I want everyone to know that they appeared in front of a courteous, ethical and honorable judge.

(11) Commission Members' Comments:
The Commission commented that Judge Able has a reputation for being an excellent lawyer. They also noted that Judge Able would be a great steward and ready to go on day one, if he was elected as a family court judge.

(12) Conclusion:
The Commission found Judge Able qualified, and nominated him for election to Family Court, Eighth Judicial Circuit, Seat 1.

Robert W. Cone
Family Court, Eighth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Cone was born in 1971. He is 53 years old and a resident of Greenwood, South Carolina. Mr. Cone provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

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

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

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

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

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

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

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

(a) I present a CLE on Federal Laws impacting the child welfare system in S.C. in 2023 for SCDSS attorneys.
(b) I have presented at CLEs for the Department of Social Services' new attorneys boot camp on the roles and responsibilities of agency attorneys annually from 2017 to the present.

(c) I have presented at a CLE on "Effective Advocacy in Termination of Parental Rights Proceedings" in February, 2017.
(d) In September, 2013 and 2014, I presented a CLE on Abuse and Neglect cases for attorneys and volunteer guardians ad litem in Greenwood and Abbeville counties.
(e) I have taught the course on "Consumer Law and Debt Collection in South Carolina" for the South Carolina Bar's Law School for Nonlawyers at Piedmont Technical College in Greenwood, South Carolina in 2007, 2008, and 2011.
(f) I presented a seminar on "Mechanic's Liens and Collections in South Carolina", Greenwood Home Builders Association. January, 2002
(g) I presented a seminar on "The Church Under Fire, Youth Ministry and the Law" Greater Greenwood Youth Ministries (GYM), October, 2003.
(h) I presented a seminar on "Sexual Harassment and Schools", Ninety-Six Primary School Faculty, September, 2005.
(i) I taught a class on Business Law at Lander University during the Fall Semester of 2000.

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

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

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

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

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

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

Mr. Cone reported that he has held the following public office:

I served as the Town Attorney for the Town of McCormick, South Carolina from 1999 to 2008. I was appointed to that position by the Town Council and reappointed on an annual basis. I ended my service when I was appointed Municipal Court Judge for the Town of Ninety-Six, SC. I filed all necessary State Ethics Commission reports.

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

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

(8) Experience:
Mr. Cone was admitted to the South Carolina Bar in 1998.

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

(a) McDonald, Patrick, Baggett, Poston, and Hemphill, L.L.P., 414 Main Street, Greenwood, South Carolina. Associate attorney.

From 1998 to 2002, my practice primarily involved insurance defense litigation in personal injury in automobile accident cases for several automobile insurance companies, medical malpractice cases for the Joint Underwriters Association, and tort cases filed against state agencies insured through the South Carolina Insurance Reserve Fund. I also handled all rule 608 appointed cases for the other 10 attorneys in the firm, including child abuse & neglect cases, post-conviction relief cases, and serving as guardian ad litem in juvenile justice and probate matters.

Due to the firm's changing client profile, expanded contact with clients in the business community and my Family Court experience. I began moving into paid representation of clients in Family Court matters in 2002. In addition, from 1998 to 2005 I also handled estate planning, probate matters, business formations, debt collection, and bankruptcy matters for business clients. I supervised one paralegal while employed with the firm, but did not manage its trust account.

(b) The Cone Law Firm, PC, 128 Maxwell Avenue, Greenwood, SC 29646, November 2005 to April 2012.

I opened my own law firm in 2005 and operated as a solo practitioner. My practice focused on family law and civil litigation. I also handled probate matters, bankruptcy cases, debt collection, business formations and estate planning. During this time, I became a contract attorney for the Department of Social Services, representing the agency in child welfare, abuse and neglect cases. During this time I also served as town attorney for the Town of McCormick, South Carolina. From 2008 to 2012, I also served part-time as the Municipal Court Judge for the Town of Ninety-Six, South Carolina. I served as the sole attorney, managing the firm's trust account and paralegal staff.

(c) South Carolina Department of Social Services, April 2012 to April 2016. Managing Attorney for Greenwood, Abbeville, and Newberry counties.

I became a full-time employee of the Department of Social Services and represented the agency in child welfare, abuse and neglect cases. I had an average caseload of 140 cases across three counties during that time. I handled contested trials on issues of physical abuse, sexual abuse, and neglect of children and infants, termination of parental rights, as well as petitions for protective custody of vulnerable adults. I would also handle appeals of cases from these counties. I primarily operated in the Eighth Judicial Circuit but would conduct trials in other counties across the state when other agency attorneys were unavailable. I supervised two paralegals during this time.

(d) South Carolina Department of Social Services, April 2016 to July 2019. Regional Managing Attorney for the Second, Eighth, and Eleventh Judicial Circuits.

I was promoted to Regional Managing Attorney for the Department in 2016, supervising a legal staff of 7 attorneys and 8 paralegals across 11 counties. During my tenure the legal staff grew to 10 attorneys and 13 paralegals, plus three contract attorneys. I was responsible for the overall management of the Department's caseload across the 11 counties of the three Circuits. I handled all personnel matters, procurement, addressed specific case issues, conducted legal research, and handled high priority or complex legal cases in the counties. I also filled in as county attorney

when there were vacancies or absences. I also maintained professional relationships between the Department and other participants in the Family Court system related to abuse and neglect cases, including judges, clerks of court, law enforcement, the Department of Juvenile Justice, guardians ad litem, and opposing counsel.

(e) South Carolina Department of Social Services, July 2019 to present. Assistant Managing Attorney for County Operations, Office of General Counsel.

In 2019 I was promoted to this position, managing all county legal operations across the state. In this position, I am responsible for developing and conducting training programs for agency attorneys, paralegals, and case management staff on issues pertaining to the Department's participation in the Family Court system. I also administer the agency's Legal Case Management software system and train users on its proper use. I serve as agency liaison to the state's Court Improvement Project and the Bench/Bar Committee on child welfare issues.

I have continued to provide county level management when there have been vacant positions. From 2020 to 2024, I have served as the county attorney for Barnwell County. I also assisted in Aiken County with trials and general legal services. From January to June 2024, I have served as interim Managing Attorney for Richland County DSS, and Interim Regional Managing Attorney for the DSS Midlands region, encompassing Aiken, Bamberg, Barnwell, Chester, Fairfield, Kershaw, Lancaster, Richland, Union and York Counties. In these roles, I was responsible docket management, staff recruitment, personnel management, staff training, legal research, policy implementation, case assignments and personally handling a caseload of approximately 130 cases in Richland County.

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

From 1998 to 2012 when I became a full-time attorney for the state, I handled more than 200 private Family Court cases. I represented husbands, wives, mothers, fathers, and grandparents in cases involving divorce, equitable division of property, and child custody/child support.

From 1998 – 2006, as an appointed attorney I represented parents against the Department of Social Services in child abuse and child neglect cases.

During my private practice, I served as a private Guardian ad litem in more than 40 cases, representing the interests of children in contested custody matters. I also represented 19 families in private adoption cases. I was appointed to represent juveniles as their Guardian ad Litem in a number of Juvenile Justice cases.

Beginning in 2006, I began representing the Department of Social Services as a contract attorney, handling child abuse, child neglect, adult abuse, and adult neglect cases. My contract initially covered Greenwood County, with Abbeville and Newberry counties added later. In addition to my private cases, I managing a caseload of 75-130 cases at any given time as part of my contract with the Department.

In April, 2012, I joined the Department of Social Services as a full time attorney. I continued to represent the Department in child abuse, child neglect, adult abuse, and adult neglect cases. These cases included sexual abuse, physical abuse, educational neglect, medical neglect, adult abuse/neglect, termination of parental rights actions and appeals. From 2012 to 2016, my average active caseload was 130 cases at any given time spread across three counties.

In 2016, I was promoted into a managerial role across additional counties, culminating in state-wide responsibility today. In these roles, I am often called upon to assist in complex cases. Such cases include a wide variety of issues. Some examples would be: contested adoptions where current or former foster parents intervene in abuse cases contesting placement of children with relatives versus foster families, cases involving children who are foreign nationals, interstate and international jurisdiction issues regarding custody of children, addressing the needs of foster children who also have open cases with the Department of Juvenile Justice, and cases involving children with complex mental health or behavioral issues requiring special treatment or management. I also continue to represent the Department in trials in numerous counties, appearing in court, evaluating cases for litigation, and training new attorneys. I also work with the Department of Social Services, Department of Children's Advocacy, Judicial Department, and Children's Law Center of the University of South Carolina to develop

policies, programs, training materials, and procedures to improve the practice of child welfare law in South Carolina.

Mr. Cone reported the frequency of his court appearances during the past five years as follows:
(a) Federal:
(b) State: I appear in Family Court anywhere from 1 to 4 days per week, every week excluding holidays.

Mr. Cone reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 1% (Probate matters relating to vulnerable adults or mental health cases);
(b) Criminal: 3% (Cases involving the Department of Juvenile Justice);
(c) Domestic: 96%;
(d) Other:

Mr. Cone reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%;
(b) Number of cases that went to trial and resulted in a verdict: 110 (estimated).
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: < 25
(d) Number of cases settled after jury selection but prior to opening statements: Not applicable.

Mr. Cone provided that during the past five years he most often served as sole counsel, with exception of cases where he was training a new attorney.

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

(a) Burton v. Molen, 2008-DR-01-35 (Abbeville County).
This is a case where I represented the biological father in a custody dispute. The child in question was three years old when the mother left South Carolina without warning and took the child to Texas. Over a period of nearly 2 years, we engaged in complex legal proceedings, with hearings in both South Carolina and Texas, to try and return the child to

South Carolina. While the case was on appeal, we were able to negotiate a settlement that resulted in joint custody for my client. This was one of the most challenging cases of my legal career, involving multiple hearings in more than one jurisdiction, and working with agencies such as the FBI, and the National Center for Missing and Exploited Children.

(b) SCDSS vs, Sharpe, et al. 2007-DR-01-190; 2012-DR-01-46 (Abbeville County)

This was a contested termination of parental rights action where the minor children had been victims of sexual abuse, and because of many procedural delays, the minor children had been in foster care for nearly 5 years without a resolution. A particular challenge was the mother's continued participation in some treatment efforts and regular contact with the children, but this had to be considered in the context that she remained in contact with the children's abuser. After a lengthy trial, we were successful in having the parents' rights to the children terminated, making them free for adoption.

(c) Carter v. Hayford, 2006-DR-24-583 (Greenwood County).

This was a case where I served as the Guardian ad litem for a young girl whose parents had been divorced for several years. The mother had remarried, and was seeking to relocate with the child to the state of Kentucky. The father opposed the move and sought a change of custody. Ultimately, we were able to resolve the case on the eve of trial and established a visitation plan that allowed the child to move, but still gave father substantial visitation throughout the year. This case was significant to me because of the challenge involved in choosing between two good parents, both of whom were deeply involved in the child's life.

(d) SCDSS v. Williams, 2019-DR-06-228, 2022-DR-06-0147, 2023-DR-06-93 (Barnwell County)

I handled multiple related cases regarding the mother of two children, I.W. and I.W.2, both placed in DSS custody at birth. The mother had multiple cases with SCDSS over the years, but had also left the state for extended periods of time. She had her parental rights terminated to another child after the birth of I.W. While I.W's case was progressing, the mother became pregnant again, and I.W.2 was born and immediately taken into protective custody while the termination of parental rights action was pending for I.W.

I chose this case because it is a classic example of situations we see regularly in SCDSS. We had a mother with uncontrolled mental health and substance abuse issues, chronic unemployment, frequent homelessness, and her children tested positive for illegal drugs at birth. The mother would engage in services to try and address her problems for short periods of time, but could not maintain any progress, even when provided intensive inpatient treatment for her mental health and substance abuse issues.

The children were placed in pre-adoptive homes fairly quickly, but the process of terminating the mother's parental rights and making the children free to be adopted was delayed multiple times due to complications such as: I.W.'s alleged father lived in Maryland, and it took several months to locate him, only succeeding after serving him by publication. After service, he requested placement of I.W., but it then took several months to have him participate in a paternity test, which ultimately determined he was not the father. After these procedural issues were resolved, the case was continued more than once due to the mother being hospitalized on the eve of trials, in a county that only has DSS court 3 hours per month, and one of the resident judges had represented the mother in a case prior to becoming a judge, so the hearings could only be set when another judge would be holding court.

Unfortunately, this is not the only case with this many complications I've dealt with during my time representing SCDSS. I am the first to agree that it should not be easy to end the parent-child relationship, and that the rights of parents must be respected and protected. However, it was also damaging to these children to have to wait so long to achieve permanency. When I.W.2 was born, we were able to take the case directly to termination of parental rights, so this child's situation was resolved more quickly, but the problem of getting cases moved timely through our existing system persists, and finding the balance of protecting parents' rights versus the best interests of the children is a never-ending challenge.

(e) SCDSS v. Chisolm 2019-DR-02-758 (Aiken County)

This case is significant because it represents for me another example of the complex issues that arise in SCDSS cases. In this case, the child, Z.S., initially came into DSS custody at the age of 13 due to altercations between herself and her mother that included physical violence. As the case progressed, it was determined that the child's behavior was the

major contributing factor in the altercations. She would engage in sexual activity with adult men in exchange for money or gifts, sometimes bringing the men to her mother's home where her younger siblings resided. This led to mother and Z.S.'s frequent fights.

Mother attempted to work with SCDSS and Z.S. to address the situation. Over the years, Z.S. continued to run away from her foster homes, would assault foster family members, SCDSS staff, and relatives. She would engage in property damage and had multiple criminal charges with the Department of Juvenile Justice during this time. Even placements in psychiatric residential treatment facilities and other intensive mental health services did not resolve her behaviors. She received residential treatment at a program specifically designed to address the needs of children who are victims of sex trafficking, but she would run away from the facility and return to the streets. SCDSS would try to return her home with in-home services, hoping her behaviors would improve in a family setting, but eventually the same problems would re-occur.

I was involved for two years on this case, working with SCDSS staff, Department of Mental Health, Department of Juvenile Justice, Department of Children's Advocacy, the Guardian ad Litem program, and the Family Court for multiple hearings trying to find a solution that would get Z.S. the care she needed and keep her safe. Her continued running away made it difficult to get treatment started, as we would have to wait until she was located, sometimes months later, to find a new foster care facility that would take her, then get services started. Often, by the time all this was done, she would run again.

Unfortunately, this case does not have a happy ending, and I don't consider it a success of any kind. Z.S. turned 18 last year and left SCDSS custody, refusing to sign a voluntary placement agreement. I have learned she's been arrested on various charges since leaving SCDSS. I chose this case because it is another example of the challenges Family Court and the child welfare system in general are dealing with when it comes to children with special needs, mental health needs, behavioral problems, etc.

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

(a) Joubert v. South Carolina Department of Social Services, 341 S.C. 176, 534 S.E.2d 1 (Ct. App. 2000)

(b) Allegiant v. Emerald Inns, Inc., 2007-UP-325, Court of Appeals, 2007.
(c) South Carolina Dept. of Social Services v. Driggers, 2015-UP-038, Court of Appeals, 2015.
(d) South Carolina Dept. of Social Services v. Gary, 2006-UP-288, Court of Appeals, 2006.
(e) South Carolina Dept. of Social Services v. May, 2017-UP-447, Court of Appeals, 2017.

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

Mr. Cone further reported the following regarding unsuccessful candidacies:

(a) In 2010, I ran for the office of Probate Judge for Greenwood County. After a contested primary in June, 2010, I was the Republican candidate for Probate Judge. I lost in the general election in November, 2010.
(b) In 2012, I was a candidate for Family Court Judge, Eighth Judicial Circuit, Seat 3. I was found qualified, but not nominated for the position.
(c) In 2019, I was a candidate for Family Court Judge, At-large, Seat #2. I was found qualified, but not nominated.

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

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Mr. Cone to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented, "Mr. Cone has unparalleled experience in DSS matters, in particular, and significant experience in other areas of practice relevant to the Family Court bench. His doggedness, good nature in the face of daunting and often tragic family disputes, and strong work ethic make him well-suited for the Family Court bench."

Mr. Cone is married to Emily Willard Cone. He has one child.

Mr. Cone reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar Association
(b) Greenwood County Bar Association

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

(a) Cub Scout Pack 921, Greenwood SC. Den Leader 2014-2015; Cubmaster 2016-2019.
(b) Boy Scout Troop 313, Greenwood, SC. 2019 – present; Scoutmaster 2022 – Present.
(c) F3 Men's Fitness Club, 2015 – present.
(d) Greenwood County Library Board. Chairman, 2014-2016.

Mr. Cone further reported:
Throughout my life, I have had a strong desire to serve and help people. I once considered careers in ministry and later, in medicine, but found that my skills and abilities were best suited for the practice of law. Over the years, I have seen the tremendous impact the court system can have on families. I think I was drawn to family law because you can have a real impact on the lives of families and individuals in the decisions you make in cases you pursue in family court. Family law has given me great personal satisfaction, helping individuals and families deal with some of the most tumultuous events of their lives.
In recent years, serving the state as an advocate for child welfare, I have seen the critical role Family Court judges have to make each day. Most decisions they are called upon to make will have life-long impacts on families and their children, but they are forced to make those decisions in a limited span of time and without complete information. While a prestigious post, Family Court judges are required to work at a demanding pace, week-in and week-out. At the same time, it promotes injustice and causes harm to children and families when decisions are left "in abeyance" or "under advisement" for prolonged periods of time, leaving children and families in limbo as to their future.
Based on these experiences, I have come to believe that, as a judge, it is crucial that you listen carefully to the evidence presented to you, consider the facts and the law, and then decide as quickly as possible. After 26 years of law practice, I believe more than ever in the old axiom, "Justice delayed is justice denied." Particularly in family court cases, it

is crucial that children and families know what the outcome of their cases will be as quickly as possible, as uncertainty or delay only exacerbates the stresses caused by domestic litigation. Children lingering in the foster care system, juvenile offenders forced to wait for treatment or rehabilitative services, or adoptive parents who must sometimes wait years for their adoption to be finalized and their family made whole, are just a few examples of how delayed decisions cause real harm when it comes to families and children.

I have dealt with many complex cases that involve every aspect of a family's life that can go wrong. I have dealt with issues of all types, from physical abuse, domestic violence, sex trafficking, illegal immigration, international issues in family law, and the vast complexities that our child welfare, juvenile criminal, mental health, and financial support services face in trying to meet the needs of families and children in crisis. I've also worked with couples in divorce, facing the challenges that come with dividing up a life, from property to pets to children. I have the great pleasure of assisting families grow through adoption, and I have forever ended families by terminating parents' parental rights. Because of my wide range of experience, I am the person many DSS attorneys and other staff go to for advice when facing unusual or complex situations. While I will never say I've seen it all, I can say with confidence that I have seen more than most. Many family court attorneys handling routine divorce or custody actions will never develop the range of skills and body of knowledge I have over the past decades.

I would hope that my experience would allow me to resolve cases quickly, fairly, and with wisdom and courtesy for all the parties and attorneys. That is how I have tried to conduct myself in my practice, and how I plan to continue as a judge. That, plus my many years of experience make me an excellent candidate for the Family Court.

(11) Commission Members' Comments:

The Commission commented that Mr. Cone has an outstanding reputation and is an incredibly hard-working attorney. They noted his plethora of experience and ability to be called on for advice or assistance.

(12) Conclusion:

The Commission found Mr. Cone qualified, and nominated for election to Family Court, Eighth Judicial Circuit, Seat 1.

THURSDAY, JANUARY 16, 2025

James Conway "Jim" Todd, IV
Family Court, Eighth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

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

Mr. Todd was born in 1986. He is 38 years old and a resident of Laurens, South Carolina. Mr. Todd 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 2013.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Todd.

Mr. Todd 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. Todd reported that he has made a total of $ 470.38 in campaign expenditures for name badges, printing, and postage.

Mr. Todd 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. Todd 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. Todd to be intelligent and knowledgeable.

Mr. Todd reported that he has taught the following law-related courses:

(a) I have led internal firm family law lectures and a podcast to other attorneys within our firm relating to current family law matters.
(b) I have not lectured or taught at any other bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Todd reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Mr. Todd did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Todd did not indicate any evidence of a troubled financial status. Mr. Todd has handled his financial affairs responsibly.

The Commission also noted that Mr. Todd 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. Todd reported the following regarding his rating by legal rating organizations:
Super Lawyers: Rising Star in the area of family law in 2022, 2023, and 2024.
Greenville Business Magazine: Legal Elite in the area of family law in 2020, 2021, 2022, 2023, and 2024.
AVVO: is 8.4 or Excellent in the practice of family law.
Greenville TALK Magazine: included in the Top Lawyer edition in the practice of family law in 2024.

Mr. Todd reported that he has not served in the military.

Mr. Todd reported that he has never held public office.

(6) Physical Health:
Mr. Todd appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Todd appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Todd was admitted to the South Carolina Bar in 2013.

He gave the following account of his legal experience since graduation from law school:

(a) August 2013- June 2016: Townsend & Thompson, LLP. After passing the South Carolina Bar examination, I joined Thomas J. Thompson's law firm in Laurens after his longtime partner, Richard Townsend, passed away unexpectedly. As an associate attorney, my practice consisted of domestic, civil, real estate, probate, and both state and federal criminal defense cases. I represented numerous clients in a wide range of Family Court cases. I drafted wills and trusts for clients. I closed numerous real estate transactions. I represented clients in both General Sessions and Magistrate Courts. I represented clients in civil actions in both Common Pleas and Magistrate Courts. In time, I gained more responsibilities within the firm, including various administrative tasks and personnel management. I had minimal involvement in the firm's trust accounts as that was left to the managing partner.

(b) June 2016-September 2018: Eighth Judicial Circuit Solicitor's Office. After a desire to gain more trial experience, I accepted an offer to become an Assistant Solicitor in Laurens County. As an Assistant Solicitor, I handled one of the largest dockets in the State of South Carolina, averaging between 700-900 warrants. I negotiated plea deals with attorneys in the Public Defender's Office and members of the private bar. I tried numerous cases to verdict as sole counsel or co-counsel, including murders, armed robbery, burglary, safecracking, trafficking methamphetamine, and other violent and non-violent crimes. I had no management or trust account responsibilities.

(c) October 2018 to Present Date: Cordell & Cordell, LLP. Upon fulfilling my desire to gain more trial work experience, I accepted the position of Litigation Attorney in

Greenville, South Carolina, with one of the largest family law firms in the nation. Since joining the firm, I have solely practiced family law, representing numerous clients in a wide variety of Family Court cases, including high conflict divorce cases, high conflict custody cases, simple divorces, declarations of paternity, adoptions, name changes, drafting prenuptial and postnuptial agreements, and termination of parental rights. As a Litigation Attorney for the firm, I had no administrative or trust account responsibilities. In August 2021, I was promoted to Litigation Manager within the firm. In addition to representing my own clients, I was responsible for managing five (5) South Carolina attorneys relating to their own family law practice. In addition to supervising these attorney's work product, I was responsible for administrative duties including personnel retention, termination, and other internal firm policies. I had no trust account responsibilities in this role. In February 2024, I was promoted to Regional Managing Attorney within the firm. In addition to representing my own clients, I manage and supervise the work product and implement firm policy for all 10 of the firm's South Carolina attorneys. I regularly have case strategy conferences with these attorneys relating to various complex family law and procedural issues that arise in their practice. In addition to managing all of the firm's South Carolina attorneys, I am one of two direct reports for 42 attorneys, paralegals, and administrative assistants across six (6) states pertaining to internal management and conflict resolution. In my current role I have significant involvement in the management and administrative duties within the firm. I do not have any involvement with the firm's trust accounts.

Mr. Todd further reported regarding his experience with the Family Court practice area:

(a) Divorce and Equitable Division of Property

Throughout my years of practicing law, I have been sole counsel in numerous Family Court. I have resolved cases where the parties had short term marriages and others with marriages lasting multiple decades. I have represented clients for decrees of separate support and maintenance, as well as all statutory grounds for divorce. I have been

involved in cases where a marriage was determined to be voidable or void.

I have represented clients of different educational, financial, and social backgrounds. I have represented both women and men for divorce. I have used discovery in most of my cases, to include depositions. I have handled cases involving permanent periodic alimony, lump sum alimony, and rehabilitative alimony. I have represented clients seeking an award of alimony and those that were obligated to pay alimony. I have represented clients in international divorce.

Given my large volume of domestic cases, I have had the opportunity to represent clients in complex divorce actions that included dividing multi-million-dollar estates. I have also represented clients with minimal, if any, marital estate value. I have retained and used forensic accountants as experts to determine a marital estate's value, determine the value of a marital business, confirm incomes of the parties, and assist to project past and future stock and pension values for the purpose of division. I have represented clients where issues of special equity and transmutation were alleged. I have identified both marital and non-marital assets and debts for the purpose of division. I have utilized appraisers to value real property, fair market value, and prospective future value. I have drafted and explained both prenuptial and postnuptial agreements.

(b) Child Custody

I have represented both married and unmarried Mothers and Fathers involving complex and high conflict child custody and visitation cases. I have also represented Mothers and Fathers who needed a formal custody, visitation, and child support agreements. I have represented third parties such as Grandparents, siblings, and others who had legal standing to pursue child custody, visitation, and child support from a biological parent. I have handled both declarations of paternity and non-paternity declarations. I have been involved in countless cases where a guardian ad litem was appointed to serve the best interests of minor children. I have represented clients petitioning or defending a minor child's name change.

I have been a part of cases where Mothers and Fathers had abused drugs and alcohol in the presence of their minor children. I have been involved in cases where claims of sexual and/or physical abuse had been alleged, which required law enforcement and DSS intervention. I have litigated

cases where a party was required to follow DSS safety plans and/or other safeguards implemented for the minor child(ren).

I have represented clients that required retaining third parties to assist in issues involving child custody and visitation, to include: therapist, counselors, and doctors. I have been involved in many cases where third-party screenings were necessary, including psychological evaluations, drug treatment programs, anger management counseling, PETH testing, multi panel screenings, "parental alienation evaluations," and co-parenting counseling.

(c) Adoption

I have represented clients as sole counsel or co-counsel in adoption cases. I have been involved in cases where an adoption was initially contested and ones that were done by consent. I have represented clients who desired to terminate another's parental rights and clients whose parental rights were sought to be terminated. I have represented clients and worked with guardian ad litems involving the termination of parental rights. I have been involved in cases terminating a third party's presumed parental rights when a child is born to a third party while still married.

(d) Abuse and Neglect

I have represented clients in private actions who have alleged that their spouse had committed physical or mental abuse toward their minor child. I have also been involved in cases where a parent alleged the other exposed their child to drug or alcohol abuse. I have been involved in private cases where the minor child(ren) were allegedly sexually abused by one of the parents or a third party. I have represented clients where domestic violence has transpired in the presence of their minor children. I have litigated cases where a forensic interview of a minor child(ren) was necessary to determine whether abuse had occurred or not. I have been involved in cases where one parent or a third party was alleged to have physically abused the minor child(ren). I have represented numerous clients where a Department of Social Services (DSS) safety plan had been issued. I have also been sole counsel or co-counsel on cases where DSS has indicated a parent due to alleged abuse toward their minor child.

(e) Juvenile Justice

As an Assistant Solicitor for almost three (3) years, I prosecuted hundreds of warrants through guilty pleas including: cruelty to children,

unlawful neglect, domestic violence, and a wide range of other violent and non-violent offenses. I have tried many cases to verdict, including murders, drug offenses, armed robbery, burglaries, and other violent and non-violent offenses. In private practice, I have defended many adult clients who were charged with a crime. I am well versed in how the criminal justice system works from both the defense and prosecution side. I believe my background is a strong foundation to continue to become more familiar and knowledgeable regarding future DJJ hearings, if elected. In anticipation of this judicial election, I have met with the Eighth Circuit Chief Public Defender, private members of the bar and multiple assistant solicitors to become more familiar with DJJ hearings and procedure. I have participated in an online course with the South Carolina Commission on Indigent Defense relating to juvenile justice. I plan to observe multiple DJJ hearings and review procedures to become more knowledgeable and prepared for this area of the Family Court system.

(f) During the past five years of my practice, I have maintained no fewer than 40 active Family Court cases as sole counsel. I appear in Family Court on a regular and frequent basis. My weekly appearances vary. In one week, I may appear before a Family Court judge three to four times. In other weeks, I will appear before a Family Court judge once or have no appearances at all for that week. On weeks that I am not before a Family Court judge, I am attending mediations, preparing for Court, or drafting or responding to discovery.

Mr. Todd reported the frequency of his court appearances during the past five years as follows:
(a) Federal: none;
(b) State: I estimate I average around 100 Family Court appearances per year.

Mr. Todd reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 5%;
(b) Criminal: 0%;
(c) Domestic: 95%;
(d) Other: 0%.

Mr. Todd reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice was in trial court, including cases that settled prior to trial: 95%;
(b) Number of cases that went to trial and resulted in a verdict: 5%.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0%.
(d) Number of cases settled after jury selection but prior to opening statements: N/A

Mr. Todd provided the following regarding his role as counsel during the past five years:
I have primarily served as sole counsel in my practice. On occasion, I may serve as co-counsel to assist a younger attorney or colleague within my firm.

The following is Mr. Todd's account of his five most significant litigated matters:

(a) State v. Green.

This was a jury trial I prosecuted. The Defendant and his girlfriend lured a high school senior over to their home, where they beat him to death. After murdering the victim, the Defendant drove the victim's body to an isolated area where he burned the remains. The Defendant was charged with murder and desecration of human remains. This was a tragic case and was tried to a verdict, resulting in the Defendant being found guilty on all counts and receiving a sentence of 45 years. The victim in this case was Hispanic, and his family spoke very little English. After the trial, the victim's family was extremely grateful. Despite the language barrier, I felt their sincere gratitude by helping them find closure after such a heinous crime against their son. This case is also important to me due to the procedural motions and appeal that followed. It was revealed that a bailiff had made questionable remarks to a member of the jury during their deliberation, prompting a motion for a mistrial. After hearing arguments from the State and defense, the motion was denied. This case was later appealed and was eventually granted a writ of certiorari by the South Carolina Supreme Court, which affirmed the trial court's decision to deny a mistrial.

(b) State v. Bowers.

This involved the cold case murder of a well-known elderly man in Laurens who had been a staple in the community, and volunteered at the

Laurens V.F.W. at the time of his murder. The local fair was in town, and it was believed that a member of the traveling fair was the culprit. Early investigations did not uncover enough evidence to officially make an arrest. Years later, I was serving as an Assistant Solicitor and the Solicitor stated he had reopened the investigation as new evidence had been discovered. That evidence would lead to the arrest of the Defendant. The case was tried over four (4) days and resulted in guilty verdicts for murder, armed robbery, and conspiracy. I felt immense pride and relief by helping the victim's family members receive some closure after waiting 14 long years for justice. I was also proud to help resolve one of Laurens County's most storied murders.

(c) Burns v. Burns.

This case was significant because it was a high conflict divorce which had complex fact patterns in almost every issue of the case. There were allegations of domestic violence, child abuse, adultery, secreting marital funds, and determining the value of a convoluted high net worth marital estate. The case involved contempt actions, motions to compel, motions for temporary relief, and extensive discovery. The case required retaining multiple third parties to value a multimillion-dollar business, determine party incomes, address "parental alienation" allegations, and implement co-parenting counseling.

(d) Wallace v. Wallace.

This case involved a married couple with two (2) minor children under the age of five (5). It began after my client filed an Emergency Motion for Temporary Relief. His wife overdosed on heroin in the presence of their two minor children while father was at work. At the hearing, my client was given temporary custody with limited supervised visitation to mother. A guardian ad litem was appointed to complete an expedited investigation. On one of mother's supervised visits, she showed up under the influence of illegal drugs which resulted in her visitation being suspended. The mother was ordered to complete a phase in program to allow her additional time with the children; she refused to participate. Ultimately, my client was granted a divorce on the fault-based ground of habitual drug use. My client received sole custody of the minor children on a final basis. Three years later, my client now remarried, returned to my office again for help. The mother of their children continued to have crippling addiction issues, and was constantly causing issues with their children's daily lives. In this new case, I filed to terminate mother's parental rights, and have client's new wife, a teacher, adopt client's

children. After litigating the case and dealing with the biological mother's antics throughout, the Court terminated biological mother's parental rights and allowed for the adoption to take place. This case was very important to me because of the dire situation my client and the minor children initially faced. It gave me great satisfaction to know I helped protect these two sweet and innocent children in what could have become a deadly set of facts. I witnessed firsthand the love and support my client and his new wife gave their children and how much of an impact these cases made on the children's life and future. They now operate as a blended but nuclear family. This case is a constant reminder to me of the importance the Family Court.

(e) State v. Harbuck.

This was a jury trial and resulted in the Defendant being found guilty on charges of assault and battery of a high and aggravated nature, failure to stop for blue lights, and resisting arrest. This case was impactful to me as it was my first General Sessions jury trial. The Defendant was from out of state and in a fit of road rage, began driving erratically at high rates of speed on I-385, putting innocent lives in danger. After a State Trooper was able to make a traffic stop, the Defendant began ramming the Trooper's vehicle, pushing him into oncoming traffic. Fortunately, traffic had yielded at this point which prevented this from becoming a potentially fatal incident. This trial helped build confidence in my abilities and confirmed my passion for the law.

Mr. Todd reported he has not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Todd's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Todd to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" as to the evaluative criteria of ethical fitness, character, professional and academic ability, experience, reputation, and judicial temperament. The Committee noted: "Mr. Todd is a dedicated family court practitioner with a wide range of experience in family court

matters. Though younger than many candidates, he brings an impressive level of diligence and a strong work ethic to his candidacy."

Mr. Todd is married to Ashley Harris Todd. He has two children.

Mr. Todd reported that he was a member of the following Bar and professional associations:

(a) Laurens County Bar Association, President (2018-present)
(b) Greenville County Bar Association, member
(c) South Carolina Bar Association, member
(d) South Carolina Bar Family Court Section, member
(e) South Carolina Bar Judicial Qualification's Committee, past member

Mr. Todd provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Laurens Education Assistance for District No. 55 (LEAD), board chairman
(b) The Laurens County Landmarks Foundation, board member
(c) Laurens County Museum, member
(d) Main Street Laurens, past board member
(e) Laurens County Trails Association, past board member
(f) Trillium Links and Lake Club, legacy member
(g) Poinsett Club, member
(h) 2019 Rookie of the Year Award, law firm's top internal award for a first-year attorney
(i) 2020 Excellence Award, law firm's top internal award for internal practice metrics

Mr. Todd further reported:
Born and raised in the City of Laurens, my upbringing instilled in me core values, which have influenced my approach to life and the law. From a young age, my parents, who were pillars of support and love, taught me the fundamental principle of treating everyone equally, regardless of their background, circumstances, or possessions. This principle has been the cornerstone of my personal and professional life.

Throughout my life, I have always had a strong work ethic. My first job, at the age of 14, was with the maintenance crew for a local retirement community. Through various jobs and experiences, I have had the privilege of working with individuals from diverse backgrounds. I have

gained invaluable insights into the challenges and aspirations which shape our community. These experiences have reinforced my belief in the importance of empathy, fairness, and understanding in all interactions. These are the qualities I intend to bring to the judiciary.

Beyond my professional endeavors, I am deeply committed to serving my community. I am an active member of Laurens First Presbyterian Church. I participate in various community boards, where I collaborate with fellow community members to address local issues and promote positive change. These experiences have taught me the importance of listening and making decisions. These characteristics have also helped shape my legal philosophy. I have always tried my best to consider all opinions, backgrounds, and circumstances when making decisions in my practice. I believe the same attention to detail will help me become a successful member of the Family Court judiciary.

I have always made it a point to be kind and courteous to others. I believe there is a way to be firm without being disrespectful or humiliating someone. If elected, I would bring with me a profound respect for the rule of law, and a dedication to upholding justice with integrity and impartiality.

My small-town roots have grounded me in a deep appreciation and understanding for diverse perspectives and backgrounds faced as a judge. I will remain committed to applying these principles to foster a courtroom environment where fairness, compassion, and respect prevail.

(11) Commission Members' Comments:
The Commission found that Mr. Todd has earned a great reputation among the Family Court Bar. The Commission noted he has gained a great deal of experience in the Family Court and is seen as a rising star among his peers.

(12) Conclusion:
The Commission found Mr. Todd qualified, and nominated him for election to Family Court, Eighth Judicial Circuit, Seat 1.

The Honorable Joseph C. Smithdeal
Family Court, Eighth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Smithdeal meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Smithdeal was born in 1967. He is 57 years old and a resident of Greenwood, South Carolina. Judge Smithdeal provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Smithdeal.

Judge Smithdeal demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Smithdeal reported that he has not made any campaign expenditures.

Judge Smithdeal testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Smithdeal testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Smithdeal to be intelligent and knowledgeable.

Judge Smithdeal reported that he has taught the following law-related courses:
Law School for Non-Lawyers - Lectured multiple times over the years on topics ranging from Family Law, Workers Compensation, Probate,

and the SC Court System. I have also spoken at quite a few CLE seminars on the topic of Family Law. I am currently scheduled to speak at a community Law Talk on Family Law in September."

Judge Smithdeal reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Smithdeal did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Smithdeal did not indicate any evidence of a troubled financial status. Judge Smithdeal has handled his financial affairs responsibly.

The Commission also noted that Judge Smithdeal was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Smithdeal reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Smithdeal reported that he has not served in the military.

Judge Smithdeal reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Smithdeal appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Smithdeal appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Smithdeal was admitted to the South Carolina Bar in 1992.

He gave the following account of his legal experience since graduation from law school:

(a) Judson Ayers & Associates, P.C. 1992-1995, Associate attorney – Family Court, general civil & criminal litigation (Circuit Court and Federal District Court), Workers Compensation, real estate and employment law.
(b) Ayers & Smithdeal, P.C. 1995-1997, Partner – Family Court, general civil & criminal litigation (Circuit Court and Federal District Court), Workers Compensation, real estate and employment law.
(c) Ayers, Smithdeal & Bettis, P.C. 1997-2013, Managing Partner and President – practice areas were substantially the same, but I was responsible for administrative and financial management of the firm which included the Firm's trust account.
(d) Family Court Judge, Eighth Judicial Circuit, Seat 3- 2013-present.

Judge Smithdeal reported that he has held the following judicial office(s):
I was elected by the legislature as Judge of the Family Court, Eighth Judicial Circuit, Seat 3. I was sworn into office on April 1, 2013 and have served continuously since. Family Court is a court of limited jurisdiction as set forth in S.C. Code §63-3-530. The Family Court is without jurisdiction to hear or determine matters outside of its subject matter jurisdiction.

Judge Smithdeal provided the following list of his most significant orders or opinions:

(a) Rish v Rish, Op No 28223 (S.C.Sup.Ct. filed July 31, 2024) - This was a case of first impression. The parties were divorced in 2003 and the divorce order incorporated the parties' alimony agreement. The agreement set periodic alimony and made the award non-modifiable. The Family Court modified the alimony order in 2011. The non-modifiable provision was not raised and no appeal was taken in 2011. In 2016, the husband requested another modification. Prior to this hearing, the wife raised the non-modifiable provision contained in the 2003 divorce order. I denied the motion as the prior Family Court has already modified the 2003 order and there was no appeal. At the trial, I terminated the husband's alimony obligation based on the law and equities of the case. The wife filed a motion

for reconsideration under Rule 59(e), SCRCP and to void the order under Rule 60(b), SCRCP, arguing the 2011 modification order was void because the divorce decree made alimony non-modifiable and the Family Court was without subject matter jurisdiction to address alimony. I denied these motions. The Court of Appeals agreed with the wife and reversed my order. The Supreme Court found that I was correct in my rulings that the Family Court never loses subject-matter jurisdiction and that the intervening 2011 order effectively eliminated the non-modifiable provision since it was not raised, ruled upon or appealed. The Supreme Court corrected a long line of cases that had unartfully used the general term jurisdiction. The Supreme Court also found the termination of alimony appropriate.

(b) Lexington case – This case involved a long term "marriage" with disabled adult children. Husband had obtained a Dominican Republic divorce from his first wife while they were both residents of South Carolina. He then "married" wife. Wife claimed that she and husband were not validly married because the Dominican divorce was not legal. As the validity of marriages is reserved to the Court of Common Pleas pursuant to §20-1-510, 520 and NOT to the Family Court under its jurisdictional statute, I was forced to dismiss husband's divorce complaint so they could litigate that issue in the Court of Common Pleas.

(c) DSS v Walls and Walls, 16-UP-483 and 16-UP-482 (Ct.App. filed November 16, 2016)– A twenty-three day old baby had skull fractures, bleeding on the brain, a fractured vertebra, broken leg, broken ankle, broken ribs, and internal injuries in various stages of healing. Neither parent knew who done it. Based on the evidence presented, I was compelled to remove the child and terminate the parents' parental rights. The defense argued that this was a case of res ispa loquitor and that concept was not recognized in South Carolina. I ruled that this was a case of circumstantial evidence and the evidence was clear.

(d) Greenwood case – This was the second marriage each for an elderly couple. The wife and her attorney presented a prenuptial agreement to the husband before the marriage. Husband willingly signed it as both spouses had substantial pre-marital property to protect and children from their prior

marriages. A few years after the wedding, Wife's health declined and she started suffering from dementia. She then deeded all her property to her children in an effort to lay the cost of nursing home care on her husband. Husband sought the advice of an attorney and then filed for divorce to protect his pre-marital estate. Wife, through her adult children, attempted to set aside her own prenuptial agreement. She also requested alimony even though the agreement barred each from alimony. After significant consideration, I found that each party's pre-marital property was non-marital. I also denied wife's alimony claim and upheld the prenuptial agreement even though the husband was unrepresented at the time of the signing of the agreement.

(e) Beaufort case – This was a heartbreaking case involving a long-term marriage with five daughters. The middle daughter accused the father of sexually assaulting her during the litigation. Several experts testified, but this issue essentially came down to a classic "he said-she said", and the preponderance of the evidence did not weigh more heavily on one side or the other. I did not find sexual assault occurred, but I could not grant visitation to the father with that daughter because of the toxic relationship.

Judge Smithdeal reported no other employment while serving as a judge.

Judge Smithdeal further reported the following regarding unsuccessful candidacies:
2009 - I was qualified and nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration prior to the vote of the Legislature. 2010 - I was qualified and nominated by the Judicial Merit Screening Commission and then withdrew my name from consideration prior to the vote of the Legislature.

(9) Judicial Temperament:
The Commission believes that Judge Smithdeal's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Judge Smithdeal to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and

"Well Qualified" in evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee noted: "Judge Smithdeal is a compassionate, experienced family law practitioner who brings an unparalleled work ethic and deep sense of service to the Family Court bench. The Committee warmly commends him to the Commission for consideration for another term."

Judge Smithdeal is married to Elizabeth C. Smithdeal. He has five children.

Judge Smithdeal reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar Association
(b) Greenwood County Bar Association

Judge Smithdeal provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Knights of Columbus. My family received the family of the month award.
(b) Citadel Alumni Association – Life Member
(c) Our Lady of Lourdes Catholic Church – Sunday school teacher

Judge Smithdeal further reported:
My wife and I have five children. Three of my children are college graduates, one is in college now, and one is a high school senior. I have a daughter in law and son in law and two grandsons – so far. In other words, I understand families and the issues they face. I get to work between 7:30-8:00 a.m. I prepare for court every morning and am ready to start on time with a working knowledge of all the cases which are to come before me that day – no matter which county I am working in. Often, I am in the courthouse working before the clerks arrive. I utilize Saturdays for order writing, research and preparation for Monday mornings. When I ran for this judgeship I promised to be diligent, hard-working and courteous. I believe I have honored my promise.

(11) Commission Members' Comments:
The Commission commented that Judge Smithdeal maintains a positive reputation amongst lawyers who appear before him. The Commission noted he is a hard worker with a good demeanor that has served him in discharging his responsibilities on the Family Court bench.

(12) Conclusion:
The Commission found Judge Smithdeal qualified, and nominated him for re-election to Family Court, Eighth Judicial Circuit, Seat 3.

The Honorable Alice Anne Richter
Family Court, Ninth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Richter meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Richter was born in 1977. She is 47 years old and a resident of Mount Pleasant, South Carolina. Judge Richter provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Richter.

Judge Richter demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Richter reported that she has not made any campaign expenditures.

Judge Richter testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Richter testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Richter to be intelligent and knowledgeable.

Judge Richter reported that she has taught the following law-related courses:
(a) Adjunct professor at Charleston School of Law 2009-2010, Legal Research and Writing.
(b) Assisted with organizing and spoke frequently at Charleston County Guardian ad Litem Association monthly lunch CLE programs 2013-2015 on issues related to child custody and other issues relevant to guardians ad litem.
(c) Guest lecturer for Family Law Course at Charleston School of Law taught by the Honorable Brian Gibbons on issues of custody, termination of parental rights, assisted reproduction, and jurisdiction issues in family court for several years.
(d) Presented in June, 2016, at the South Carolina Family Court Orientation School for new Judges on issues facing new Judges.
(e) South Carolina Bar Family Court Bench Bar CLE, December 1, 2017, speaker on Judges' Panel addressing child support, visitation, and other topics relevant to Family Court.
(f) Speaker as panel member at CLE In the Best interest of the Child: 2018 Guardian ad Litem Training and Update 2018 on issues relevant to the work of guardians ad litem in Family Court.
(g) South Carolina Family Court Orientation School for New Judges. Presented on Protection from Domestic Abuse and Issues Relating to Pro Se Litigants, May, 2023, and May, 2024.

Judge Richter reported that she has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Richter did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Richter did not indicate any evidence of a troubled financial status. Judge Richter has handled her financial affairs responsibly.

The Commission also noted that Judge Richter was punctual and attentive in her dealings with the Commission, and the Commission's

investigation did not reveal any problems with her diligence and industry.

(5) Reputation:
Judge Richter reported that she is not rated by any legal rating organization.

Judge Richter reported that she has not served in the military.

Judge Richter reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Richter appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Richter appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Richter was admitted to the South Carolina Bar in 2003.

She gave the following account of her legal experience since graduation from law school:

(a) Following graduation from law school, I served as law clerk for the Honorable Diane S. Goodstein in the South Carolina Circuit Court for the First Judicial Circuit. No financial management in this position.
(b) From 2003-2004, I worked with partners and associated as a contract attorney at Moore and Van Allen Law Firm in Charlotte, North Carolina. I worked on various litigation teams in the defense of large corporate clients involved in complex, multi-state litigation. No administrative or financial management in this position.
(c) In 2004, while still in North Carolina, I began working remotely as a contract attorney for Richter and Haller, LLC, of Mount Pleasant, South Carolina. This primarily involved work on behalf of plaintiffs in civil cases, and much of this work involved complex legal issues. No administrative or financial management in this position.

(d) In 2005, I returned to the Charleston area and became an associate at the Richter Firm, LLC, where I continued to work until my election to the judiciary in February, 2015. I continued to work on civil litigation matters in South Carolina and Federal courts, as well as multi-district litigation, bankruptcy court, criminal courts, probate court, and family court. I assisted in hiring personnel and was a co-signer on office accounts.

(e) In February 2015, I was elected to the South Carolina Family Court, was re-elected to this position in February, 2019, and continue to serve in this position. I have performed all of the functions and duties of my office, have served as Chief Administrative Judge for both Charleston and Berkeley Counties, and seek to continue my service.

Judge Richter reported that she has held the following judicial office(s): I have served on the South Carolina Family Court since my election on February 4, 2015, as Judge in the Ninth Judicial Circuit, Seat two, Charleston. The South Carolina Family Court is a Court of limited jurisdiction pursuant to S.C. Code.

Judge Richter provided the following list of her most significant orders or opinions:

(a) The State of South Carolina v. TJW, 2020-JU-10-0570, 2020-JU-10-0571, 2020-JU-10-0573, 2020-JU-10-0574, and 2020-JU-10-0575.

Order from Hearing on The State of South Carolina's Request to Transfer to the Court of General Sessions, Associated Motions, and Competency of Juvenile. This Order issued from a hearing that took place over five days in relation to whether jurisdiction over a Juvenile who was charged with Murder, Armed Robbery, and multiple counts of Attempted Armed Robbery should be transferred to the Court of General Sessions to be tried as an adult or should remain in Family Court and receive the benefits of the Juvenile system. My Order addressed the Defense Motion Asserting a Right to Confront Witnesses Against Him, Defense Motion to Call Witnesses to Rebut State's Witnesses, Co-Defendants' counsel's request to have access to the Transfer Hearing, the request of members of the press/public to have access to the Transfer Hearing, Juvenile's Motion to Declare S.C. Code Section 61-19-1210(6) Unconstitutional, the Defense request for a Competency Hearing, the Defense Motion in Opposition to Waiver, and the Court's decision on

the State's Motion for Transfer. I ruled that the State had met its burden and jurisdiction over the Juvenile should be transferred to The Court of General Sessions, that the Juvenile was Competent, that S.C. Code Section 61-19-1210(6) is Constitutional, and addressed the additional Motions. The issues related to access to the proceedings by Co-Defendants and the media/public were addressed in depth as well.

(b) Scheidweiler v. Phoenix, 2015-DR-10-965, 2018-UP-036.

I denied Plaintiff Father's request that the Defendant Mother's parental rights should be terminated, found that Father had failed to meet his burden of proof by clear and convincing evidence, and found that termination of Mother's parental rights would not be in the child's best interest. The Father filed his TPR action shortly after a Final Order was issued in the parties' prior initial custody litigation and the case required careful analysis of the Termination of Parental Rights statute and caselaw on the issue, as applied to the unique facts of this case. My Order was appealed by Father, and my decision was affirmed by the South Carolina Court of Appeals in an unpublished opinion.

(c) Burns v. Burns, 2020-DR-10-2450.

This Order addressed a Motion to Seal an entire file in a Domestic Relations action. The issue is one that arises frequently in Family Court actions and which has been dealt with repeatedly by the Appellate Courts in our State. My Order addressed the request to seal and applied Rule 41.1 as well as Statutory and Case Law in denying the Motion to Seal.

(d) Mendez v. Franco, 2018-DR-10-871.

This Order issued from a joint hearing with the State of California on Plaintiff's Motion for Home State Finding under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This case had a complicated factual history and extensive analysis of the UCCJEA, South Carolina Law, specific substantive and jurisdictional issues, and consultation with the Court in California. Coordination of a Joint Hearing with the State of California was required, and the hearing resulted in a determination by both the South Carolina and California Courts that California was the home state of the minor children and that litigation in relation to the children was within the Jurisdiction of the California Courts.

(e) South Carolina Department of Social Services v. Jeffrey T. McCue and Radina A. Franks, in the Interest of A Minor Under the age of Eighteen, 2019-DR-10-2814, 2021-UP-033.

This Termination of Parental Rights action was brought by the Department of Social Services and involved a five-year-old child who had been in the custody of the Department in excess of thirty-six months.

The case was highly contested and required particular analysis of parents' fundamental interest in the care, custody, and management of their children when a parent's interest conflicts with the best interest of the minor child. In keeping with applicable statutory and case law, I ruled that, in balancing these interests, the best interest of the child is paramount to that of the parent. SCDSS v. Smith, 423 S.C. 60, 814 S.E.2d 148 (2018). The case was appealed by the Defendant Father, and my ruling was affirmed.

(9) Judicial Temperament:
The Commission believes that Judge Richter's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Richter 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: "Caring, dedicated, smart, personable, hardworking, excellent judge."

Judge Richter is married to Joseph Paul Cerato, Sr. She has two children.

Judge Richter reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar.
(b) Charleston County Bar.
(c) South Carolina Family Law American Inn of Court-Master
(d) South Carolina Conference of Family Court Judges

Vice-President 2023-2024
Secretary/Treasurer 2022-2023.

Judge Richter provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Mount Pleasant Cotillion
(b) Ashley Hall Alumnae Association
(c) University of North Carolina Alumni Association

Judge Richter further reported:

I believe I have answered fully, but I am glad to provide any additional information the Commission may find necessary or helpful.

(11) Commission Members' Comments:
The Commission commented that Judge Richter is a phenomenally bright, caring person and that she is bringing the right touch to this role.

(12) Conclusion:
The Commission found Judge Richter qualified, and nominated her for re-election to Family Court, Ninth Judicial Circuit, Seat 2.

The Honorable Blakely Copeland Cahoon
Family Court, Ninth Judicial Circuit, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Cahoon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Cahoon was born in 1974. She is 50 years old and a resident of Summerville, South Carolina. Judge Cahoon provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Cahoon.

Judge Cahoon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Cahoon reported that she has not made any campaign expenditures.

Judge Cahoon testified she has not:
(a) sought or received the pledge of any legislator prior to screening;

(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Cahoon testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Cahoon to be intelligent and knowledgeable.

Judge Cahoon reported that she has taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial education programs.
I have spoken in the past regarding family law, elder law, estate planning and probate matters.

Judge Cahoon reported that she has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Cahoon did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Cahoon did not indicate any evidence of a troubled financial status. Judge Cahoon has handled her financial affairs responsibly.

The Commission also noted that Judge Cahoon was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:
Judge Cahoon reported that she is not rated by any legal rating organization.

Judge Cahoon reported that she has not served in the military.

Judge Cahoon reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Cahoon appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Cahoon appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Cahoon was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

(a) Young Clement Rivers and Tisdale, LLP, Charleston SC. From June 2000-May 2001, I was a first-year associate with the firm in the practice areas of estate planning, probate, state and federal taxation and nonprofit law. I was not involved with the administrative or financial management of the firm. I had no management over the trust account(s).

(b) Berry Quackenbush and Stuart, PA, Columbia SC. From August 2001 – September 2006. I was a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).

(c) MerrittWebb, PLLC, Columbia SC. September 2006-March 31, 2011. I followed the managing partner of Berry Quackenbush and Stuart to MerrittWebb where I continued as a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).

(d) Cahoon Law Firm, LLC, Columbia SC. April 1, 2011-present. I opened Cahoon Law Firm, LLC, on April 1, 2011.

Since that time, I have primarily practiced in Family Court where I have handled clients matters related to all cases over which the Family Court has original jurisdiction. This includes divorce, child custody and child support, equitable apportionment of property, protective orders, alimony issues along with modifications of child custody and visitation, alimony and child support. I have been involved in all aspects of adoption. I have represented parents, grandparents and other caregivers. While I encourage my clients to try and resolve their issues without the need for a contested hearing, I have handled contested trials on these issues. I had a 608 contract with the State of South Carolina through the Office of Indigent Defense to represent indigent parties in abuse and neglect cases since the program's inception. I have a contract with SCDSS to represent the agency in Family Court. Currently, approximately eighty-five percent of my practice involves Family Court matters with the remaining fifteen percent of my practice related to estate planning, elder law, probate and general business work. As the owner and sole member, I am responsible for all administrative, accounting and financial management. The operating and trust account are held and operated in accordance with the required rules.

Judge Cahoon reported that she has held the following judicial office(s):
Family Court, Ninth Circuit, Seat Four
Elected April 17, 2024, Took the bench May 6, 2024 – current

Judge Cahoon provided the following regarding a list of her most significant orders or opinions:
I do not have any significant orders or opinions yet having just started

Judge Cahoon reported no other employment while serving as a judge.

Judge Cahoon further reported the following regarding unsuccessful candidacies:
I ran for Family Court, Fifth Judicial Circuit, Seat 1 in 2019. I was found qualified and removed my name from consideration before the scheduled vote by the Legislature.

(9) Judicial Temperament:
The Commission believes that Judge Cahoon's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Cahoon to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented, "Judge Cahoon has considerable experience in all facets of the family court. She has an excellent temperament and is well versed in family law. She explained to the Committee that she established residency in the circuit shortly after her interview last year. Residency was the only drawback noted by the Committee last year."

Judge Cahoon is married to Frank Ellwood Cahoon, III. She has two children.

Judge Cahoon reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar
(b) Berkeley County Bar Association
(c) SC Women Lawyers

Judge Cahoon provided that she was not a member of a civic, charitable, educational, social, or fraternal organization.

Judge Cahoon further reported:
From my personal experience as a child of divorced parents, as a parent to two children, from my daughter's adoption through foster care and my professional work with clients in all aspects of Family Court I truly believe I can help other children and families who are navigating the Family Court system. Family Court more than any other court is about personal issues and relationships that affect children and families. With my personal history and work experience I understand the personal and legal issues that are being brought before me every day.

Family Court is a frightening and stressful place for everyone. A courtroom where all parties feel safe, heard and respected can make a

huge difference in how parties perceive and experience Family Court. This is an adversarial system so absent an agreement between the parties; one or both parties will disagree with my ruling as the decision maker. I work hard to follow the law and word my ruling in such a way to help parties who consider themselves the "loser" to understand that I did hear and consider their viewpoint when making my ruling. Words matter and taking time to ensure to address the issues before the Court from both sides in a respectful and impartial manner makes a difference.

I try every day to ensure that my demeanor, courtesy, empathy, attention, knowledge and diligence help facilitate a positive experience even when the parties disagree over the outcome. Even though they may not agree with my decision, I want the people who leave my courtroom, whether lawyers, pro se litigants, other parties or court personnel, to have felt that they were in a safe place, that their voice was heard, that they were respected and that their outcome was based on a thoughtful, deliberate decision which was issued within the confines of the existing laws that govern Family Court.

(11) Commission Members' Comments:
The Commission commented that Judge Cahoon has an outstanding reputation as a jurist during her short time on the bench. They noted her great intellect, which has ably served her in discharging her responsibilities on the Family Court.

(12) Conclusion:
The Commission found Judge Cahoon qualified, and nominated her for re-election to the Family Court, Ninth Judicial Circuit, Seat 4.

The Honorable David J. Brousseau
Family Court, Tenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Brousseau meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Brousseau was born in 1976. He is 49 years old and a resident of Anderson, South Carolina. Judge Brousseau provided in his application

that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Brousseau.

Judge Brousseau 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 Brousseau reported that he has not made any campaign expenditures.

Judge Brousseau 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 Brousseau 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 Brousseau to be intelligent and knowledgeable.

Judge Brousseau reported that he has taught the following law-related courses:
(a) I taught an Introduction to Law course at Anderson University from 2015-2018.
(b) I lectured on all topics at the Advanced Family Law Seminar CLE by NBI on March 18, 2015.
(c) I lectured on the topics of appeals, alimony, and equitable distribution for the 2023 Family Court Seminar by the Anderson County Bar on February 3, 2023.

Judge Brousseau reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Brousseau did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Brousseau did not indicate any evidence of a troubled financial status. Judge Brousseau has handled his financial affairs responsibly.

The Commission also noted that Judge Brousseau 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 Brousseau reported that his last available rating by a legal rating organization, Martindale-Hubbell, was 4.4 out of 5.

Judge Brousseau reported that he has not served in the military.

Judge Brousseau reported that he has held the following public office:
2009-April, 2024: Anderson County Tax Assessor Appeals Board, Member. This is an appointed position by the Anderson County Council that serves as part of the Assessor's Office. No report is required with the State Ethics Commission for this position. I have never been subject to a penalty

(6) Physical Health:
Judge Brousseau appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Brousseau appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Brousseau was admitted to the South Carolina Bar in 2003.

He gave the following account of his legal experience since graduation from law school:

(a) 2002-2003, law clerk at McIntosh, Sherard & Sullivan; Anderson, South Carolina. I assisted the attorneys on their

files while I awaited the results of the Bar Exam and getting sworn in. I did title searches for the real estate attorneys at the firm, and particularly assisted in discovery, legal research, and trial preparation on the litigation side of the firm.

(b) 2003-2009, Associate attorney at McIntosh, Sherard & Sullivan; Anderson, South Carolina. During this time period my practice consisted of general civil litigation. By 2005, I took over all domestic relations cases at the firm. Over fifty percent of my caseload was in all facets of domestic relations law. Additionally, I was handling a number of cases involving personal injury, breach of contract, construction litigation, and real estate disputes in Circuit Court.

(c) 2009-April 2024, Partner at McIntosh, Sherard, Sullivan & Brousseau; Anderson, South Carolina. In 2009, I became partner at the firm. My practice continued to be in civil litigation with an emphasis in domestic relations law, personal injury, real estate litigation, and construction litigation. Over fifty percent of my caseload involved Family Court cases. I also served as mediator on Family Court cases by agreement of the attorneys. I was involved in the administrative decision of the firm, management of trust accounts on my cases and other related financial matters directly related to the litigation side of my firm.

(d) 2015-2018, Adjunct Professor, Anderson University; Anderson, South Carolina. In 2015, Anderson University asked me to teach an Intro to Law course. It was offered every fall term. I lectured on the basics of American law and jurisprudence; including, but not limited to: constitutional law, criminal law, criminal procedure, civil law and civil procedure.

(e) May 2024 – current, Family Court Judge, Tenth Judicial Circuit, Seat One. On April 17, 2024, I was elected by the General Assembly to the Family Court bench to fill the unexpired term of the late Honorable Edgar H. Long. My first day of work as Family Court Judge was May 6, 2024.

Judge Brousseau reported that he has held the following judicial office(s):

Family Court, Tenth Judicial Circuit, Seat One; May 6, 2024 – Current. I was elected by the General Assembly to this position on April 17, 2024. Family Court is a Court of limited jurisdiction as set out by statute. The Family Court general jurisdictional statute is found at S.C. Code Ann. § 63-3-530. Generally speaking, the Family Court hears matters pertaining to divorce, division of marital property, support, child custody, DSS actions, and DJJ actions.

Judge Brousseau provided the following list of his most significant orders or opinions:
As of the drafting of this application, I have only held court for twelve weeks. Three of those twelve weeks were sitting with other judges during training. Accordingly, the significance of any orders is very limited at this time.

(a) Leggieri v. Cason; This was modification of custody action. It was a difficult trial by virtue of the fact that the testimony was conflicting. Ultimately, I decided that the Plaintiff did not meet their burden of proof to modify custody, but that she did meet her burden of proof to modify visitation.
(b) Johnson v. Weatherall; This was a divorce action where equitable division of the marital estate was at issue. This case presented unique issues of transmutation and special equity interests as to certain assets.
(c) Takacs v. Cruz; This was a custody action. This case presented issues of compliance as Mother rarely complied with prior temporary orders. A prior judge had held Mother in contempt, but held sanctions in abeyance for the trial judge. This allowed me to attempt to have Mother comply with the Final Order as I was able to condition sanctions upon compliance with the Final Order.
(d) Hammonds v. Hammonds; This was a divorce action involving custody of children and equitable division of property. I divided the marital estate, and issued a custody / visitation order.
(e) Capps v. Capps; This was a divorce action involving custody of children. It was a sad case because Mother had not seen or visited the children for over a year during the pendency of the case despite no court order preventing her from doing so.

Judge Brousseau reported no other employment while serving as a judge.

Judge Brousseau further reported the following regarding unsuccessful candidacies:
Yes. I ran for Family Court Judge in 2018. I withdrew my application.

(9) Judicial Temperament:
The Commission believes that Judge Brousseau's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Brousseau to be "Qualified" in the evaluative criteria of physical health, mental stability, and constitutional qualifications; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

Judge Brousseau is married to Amy Boggs Brousseau. He has one child.

Judge Brousseau reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar, member
(b) Anderson County Bar Association, member
(c) Anderson County Inns of Court, member

Judge Brousseau provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Anderson County Inns of Court, member
(b) Cobb's Glen Country Club, golf and social member

Judge Brousseau further reported:
I have thoroughly enjoyed my short time of being on the Family Court bench. It has been an absolute pleasure serving the citizens of our State. It is a challenging, but also fulfilling, job where I feel as though I am making a difference in people's lives. Every week, I have seen unique cases. I believe I have treated each litigant, lawyer, and staff member with courtesy and respect. I look forward to coming to work each and every day. It is my sincere hope that I will be able to continue to serve in this role for many years to come.

Prior to my election to the Family Court bench, I was a private practice attorney handling all types of family court cases. Those cases ranged from court-appointed cases involving DSS to divorces involving millions of dollars in assets. Additionally, I served as mediator on cases by agreement of counsel. I also handled a wide-range of cases in the Court of Common Pleas. I am well-versed in the procedural and substantive law that is often presented in the Family Court. I am also married to a wonderful spouse, and we are the parents of a middle schooler.

I am mindful of the fact that decisions in my courtroom can affect parents and children for years. I take those decisions seriously, and truly try my absolute best to rule in accordance with the facts as applied to the law.

(11) Commission Members' Comments:
The Commission commented that Judge Brousseau has begun his service on the bench with admirable passion and ability. The members of the Commission expressed that they are impressed with the quality of Judge Brousseau's BallotBox comments.

(12) Conclusion:
The Commission found Judge Brousseau qualified, and nominated him for re-election to Family Court, Tenth Judicial Circuit, Seat 1.

The Honorable M. Scott McElhannon
Family Court, Tenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McElhannon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge McElhannon was born in 1962. He is 62 years old and a resident of Anderson, South Carolina. Judge McElhannon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge McElhannon.

Judge McElhannon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McElhannon reported that he has not made any campaign expenditures.

Judge McElhannon 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 McElhannon testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge McElhannon to be intelligent and knowledgeable.

Judge McElhannon reported that he has taught the following law-related courses:

(a) I was a speaker at a juvenile justice seminar in Biloxi, Mississippi. I spoke about the Anderson County Juvenile Arbitration Program for first time juvenile offenders.
(b) I was a panel member for the juvenile prosecution seminar which was part of the annual Solicitor's Conference. The panel discussed various issues in juvenile justice and fielded questions from the audience.
(c) I have spoken to several high school classes regarding juvenile justice law.
(d) I have been a panel member at two Family Law CLE Seminars in Anderson County.

Judge McElhannon reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge McElhannon did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge McElhannon did not indicate any evidence of a troubled financial status. Judge McElhannon has handled his financial affairs responsibly.

The Commission also noted that Judge McElhannon 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 McElhannon reported that he has not been rated by any legal rating organization.

Judge McElhannon reported that he has not served in the military.

Judge McElhannon reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge McElhannon appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge McElhannon appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge McElhannon was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) Dowling, Sanders, Dukes, Svalina & Williams
Beaufort, South Carolina
August 1988 – April 1989

Associate attorney practicing in Family Court, General Sessions and Common Pleas

(b) Svalina, Richardson & Smith
Beaufort, South Carolina
April 1989 – November 1990
Associate attorney practicing in Family Court, General Sessions and Common Pleas

(c) M. Scott McElhannon, Attorney at Law
Honea Path, South Carolina
January 1991 – March 1992
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. I was directly and solely involved in the administrative and financial management of this firm, including management of the trust account.

(d) Law Office of Raymond Mackay
Anderson, South Carolina
April 1992 – June 1995
Associate attorney practicing in Family Court, General Sessions and Common Pleas

(e) M. Scott McElhannon, Attorney at Law
Anderson, South Carolina
July 1995 – December 1999
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period, I was also a contract Public Defender handling juvenile cases in Family Court. I was directly and solely involved in the administrative and financial management of the trust account.

(f) Solicitor's Office, Tenth Judicial Circuit
Anderson, South Carolina
Assistant Solicitor
January 2000 – March 2009
From January 2000 to June 2005 I prosecuted all juvenile cases in Family Court. I was Director of Juvenile Services which included the Juvenile Arbitration Program. From June 2005 to March 2009, I prosecuted cases in General Sessions, as well as continuing to prosecute juvenile cases in Family Court as needed.

(g) M. Scott McElhannon, Attorney at Law
Anderson, South Carolina
March 2009 – September 2015
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period, I was also a conflict 608 attorney

for the Office of Indigent Defense handling conflict criminal adult and juvenile cases in Anderson County and Oconee County. I was solely and directly involved in the administrative and financial management of this firm, including the management of the trust account.

(h) South Carolina Department of Social Services
Anderson, South Carolina
September 2015 – March 2017
Staff attorney prosecuting child abuse and neglect cases, termination of parental rights, and abuse of vulnerable adult cases. After nine months I was promoted to Managing Attorney for the Tenth Judicial Circuit.

(i) Solicitor's Office, Tenth Judicial Circuit
Anderson, South Carolina
Assistant Solicitor
March 2017 – February 2020
I prosecuted General Sessions cases in Circuit Court for Anderson County. In addition, I prosecuted juvenile cases in Family Court as needed.

(j) Family Court Judge
Tenth Judicial Circuit
Seat 3
I was elected to the Family Court Bench on February 5, 2020. I began working as a Family Court Judge on March 2, 2020 to the present.

Judge McElhannon reported that he has held the following judicial office(s):
Family Court Judge, Tenth Judicial Circuit, Seat 3
Elected February 5, 2020, serving continuously to the present.

The Family Court has exclusive jurisdiction to hear and determine actions for divorce, separate support and maintenance, legal separation, other marital litigation between the parties, and for settlement of all legal and equitable rights of the parties in the actions related to the real and personal property of the marriage. The family court also has jurisdiction to hear adoptions, matters involving truancy and delinquency of juveniles, and abuse and neglect of children and vulnerable adults.

Judge McElhannon provided the following list of his most significant orders or opinions:

(a) SCDSS vs. Kimberly Spearman, et al, (Op. No. 2021-UP-362) (Ct. App. filed October 18, 2021)

This was a termination of parental rights case in which Mother appealed my decision to terminate her parental rights to child. The Court of Appeals affirmed my decision. The Court of Appeals upon a thorough review of the record and my findings of fact and conclusions of law found no meritorious issues in the appeal.

(b) SCDSS vs. Chasya Gilbody, et al, (Op. No. 2023-UP-242) (Ct. App. filed June 12, 2023)

This was a termination of parental rights case in which Mother appealed my decision to terminate her parental rights to children. The Court of Appeals affirmed my decision. The Court of Appeals upon a thorough review of the record and my findings of fact and conclusions of law found no meritorious issues in the appeal.

(c) SCDSS vs. Danielle Gay, et al, (Op. No. 2023-UP-273) (Ct. App. filed July 19, 2023)

In this case, the intervening foster parents appealed my ruling that custody of the minor children should be returned to Mother. The Court of Appeals affirmed my decision finding that a preponderance of the evidence supported my finding that reunification with Mother was in children's best interest. This case also had the dynamic of COVID-19 which played a part in the delay of reunification, together with foster parent's motion to intervene. The Court of Appeals also affirmed my finding that Mother demonstrated due diligence in remedying the conditions that led to children's removal. This was a difficult decision because foster parent's expert witnesses presented testimony that returning children to Mother would cause trauma for children due to their bond with foster parents. However, the experts had never evaluated children's bond with Mother. The DSS caseworker and the children's guardian ad litem testified that children were bonded to Mother and returning children to her care was in their best interest.

(d) SCDSS vs. Haley Vanderford, et al (Op. No. 2024-UP-289) (Ct. App. filed July 29, 2024)

This was a termination of parental rights case in which Mother's parental rights were terminated. Mother appealed my decision terminating her parental rights. The Court of Appeals affirmed my decision finding that clear and convincing evidence showed Mother failed to remedy the conditions that caused children's removal. The children were removed due to domestic violence in the home, Mother's substance abuse, and her failure to protect the children. The Court of Appeals believed that I properly found that Mother was unlikely to provide a safe, stable and drug-free home in the foreseeable future.

(e) Henderson vs. Henderson (2020-DR-37-183)

This case involved Mother relocating child to another state without Father's consent.
The parties had made multiple reports against each other, either to law enforcement or DSS. The minor child was diagnosed with severe ADHD. The main issue in the case was where the child would reside in order to attend the most beneficial educational setting for his diagnosis. Eight expert witnesses testified over a four day trial. I found that both parties were fit parents. The case came down to what is in the best interest of the child. Father had secured admission for child in a specialized school in South Carolina. Father testified that he would be willing to exercise week to week custody if Mother moved back to South Carolina. Mother testified that she would not consider moving back to South Carolina. The parties were awarded joint custody with Father having primary placement.

Judge McElhannon reported no other employment while serving as a judge.

Judge McElhannon further reported the following regarding unsuccessful candidacies:
I ran for position of Family Court Judge for the Tenth Judicial Circuit in 2008 upon the retirement of the Honorable Barry W. Knobel. I was successfully screened and found qualified. I withdrew from consideration prior to the election.

(9) Judicial Temperament:
The Commission believes that Judge McElhannon's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee reported Judge McElhannon to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of physical health, constitutional qualifications, and mental stability. The Committee had no related or summary remark.

Judge McElhannon is married to Shirley H. McElhannon. He has one child.

Judge McElhannon reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar Association
(b) Anderson County Bar Association
(c) South Carolina Family Court Judges Association

Judge McElhannon provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge McElhannon further reported:
I was raised by two wonderful and loving parents who instilled in me the philosophy of treating others as I would want to be treated. I have tried diligently to live my life by that premise, and to judge in the same manner. I will continue to do so if re-elected.

(11) Commission Members' Comments:
The Commission thanked Judge McElhannon for his service to the state and had a productive discussion regarding his recommendations to improve the functions of the Family Court.

(12) Conclusion:
The Commission found Judge McElhannon qualified, and nominated him for re-election to Family Court, Tenth Judicial Circuit, Seat 3.

The Honorable Huntley Smith Crouch
Family Court, Eleventh Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Crouch meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Crouch was born in 1972. She is 52 years old and a resident of Lexington, South Carolina. Judge Crouch provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Crouch.

Judge Crouch demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Crouch reported that she has not made any campaign expenditures.

Judge Crouch 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 Crouch 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 Crouch to be intelligent and knowledgeable.

Judge Crouch reported that she has taught the following law-related courses:

(a) I lectured at the South Carolina Bar Convention 2016 in Charleston, South Carolina as part of the Children's Law Committee CLE. I presented on the topic of Father's Rights, Alienation, and Ethical considerations for practicing family law attorneys.
(b) The Honorable Anne Gue Jones invited me to speak at the December 2016, Family Court Bench/Bar CLE on the issues of guardians ad litem in Family Court. I also presented on the importance of the Form 4 in Family Court.
(c) I lectured at the Scouts of America Law Day 2020 with The Honorable James Lockemy and The Honorable Joseph F. Anderson teaching middle school and high school students about the SC court system and the differences

between civil and criminal court proceedings, along with constitutional implications in both.

(d) I presented at Hot Tips 2019 with The Honorable Vicki Snelgrove on the topic of bankruptcy in Family Court, the Brown v. Odom appellate opinion, and how to secure a judgment in Family Court.

(e) I presented at the Family Court Bench Bar CLE on December 7, 2018, addressing tips for attorneys from a newly elected judge's perspective.

(f) I presented at the Family Court Judges' Spring Conference on April 28, 2022, addressing the Family Court bench to present on the background of the members of the bench, along with listing various committees on which Family Court judges served. The result of this presentation is an informal publication maintained and provided by Court Administration to educate members of the bench about ways they can serve and what committees and contacts may be available to them should issues arise.

(g) I was invited by Chief Judge Bruce Williams to be part of a panel to address the SC appellate courts at The Good, The Bad and the Ugly on March 3, 2023, presenting on the trial courts' perspective of appellate review.

(h) I presented with The Honorable Brian M. Gibbons and The Honorable Aphrodite K. Konduros at a CLE on Select Topics in South Carolina Civil Procedure. As a panel we addressed different rules of Civil Procedure and how best to utilize them in the various courts from Family, Circuit, and Court of Appeals.

(i) New Judges Orientation is held annually as a teaching and training period for newly elected judges. For the years 2022, 2023, and 2024, I presented the topic of alimony to the newly elected Family Court judges. In 2019, I presented to the newly elected judges on my year as a new judge.

(j) I have been invited to speak at Hot Tips 2024, and the title of my presentation is The Buck Stops Here: The Implications of Bankruptcy in Family Court

(k) Judge Zimmerman and I have joined forces to present a CLE on August 30, 2024 based on the pyramid game show, where we will present on mental health and substance

abuse with the assistance of experts and professionals, relaying information on how attorneys can take care of their mental and physical health to be the best representatives for their clients while also gleaning information on how to identify red flags in themselves and their clients.

Judge Crouch reported that she has published the following:

(a) I have not written any books or articles, but as a research assistant for David G. Owen, Carolina Distinguished Professor of Law, I assisted with research, writing chapters and editing Owen, Products Liability Law, West, *2005.*

(b) While not a formal publication, I created an introduction to Family Court notebook for use by participants in the Judicial Observation Experience (JOE) program.

(4) Character:

The Commission's investigation of Judge Crouch did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Crouch did not indicate any evidence of a troubled financial status. Judge Crouch has handled her financial affairs responsibly.

The Commission also noted that Judge Crouch was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Crouch did not report any rating by a legal rating organization

Judge Crouch reported that she has not served in the military.

Judge Crouch reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Crouch appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Crouch appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Crouch was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:
1998-1999 Law Clerk to the Honorable Wyatt T. Saunders, Circuit Court Judge, Eighth Judicial Circuit

1999-2010 Brown, Jefferies & Boulware; contract attorney with general practice firm. No involvement in management from an administrative or financial aspect at all.

2010-2014 Cofield Law Firm: associate attorney hired to create Family Law division in general practice firm. No involvement with financial management of this entity and no authority over and no management of trust accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.

2014-2016 Cofield Law Firm: partner in five attorney general practice firm heading up Family Law division. No involvement with financial management of this entity and no authority over and no management of trust accounts. Some involvement in management from an administrative/personnel standpoint, as I was included in the hiring and firing of employees and in calling meetings when necessary to address any issues or concerns related to personnel.

2016-2018 Law Offices of Huntley S. Crouch, LLC: member, solo practice firm practicing in the area of family law and family court mediations. Solely responsible for all aspects of the firm, including management and reconciliation of all accounts.

2018-present South Carolina Family Court Judge, Eleventh Judicial Circuit, Seat 2

Judge Crouch reported that she has held the following judicial office(s): 2018-present elected Family Court Judge, Eleventh Judicial Circuit.

Judge Crouch provided the following list of her most significant orders or opinions:

(a) In the Interest of L.D.; unreported
(b) SCDSS v. Doe; unreported
(c) SCDSS v. Doe; 2023-UP-084
(d) Brooke A. Grooms v. Fred Hopkins; 2022-UP-371
(e) Katherine Coleman v. Kristin Fields Coleman; 2024-UP-291

Judge Crouch reported no other employment while serving as a judge:

Judge Crouch further reported the following regarding unsuccessful candidacies:
I ran for Family Court for a Lexington County seat in Spring 2014. I was found qualified but not nominated.
I ran for Family Court for an at-large seat in Spring 2017. I was found qualified and was nominated. I withdrew prior to the vote, and The Honorable Thomas Hodges was elected.

(9) Judicial Temperament:
The Commission believes that Judge Crouch's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Crouch 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: "Well Qualified. No comment needed."

Judge Crouch is married to Charles Martin Crouch, Jr. She has three children.

Judge Crouch reported that she was a member of the following Bar and professional associations:

(a) Family Law Inn of Court- executive committee and Judicial Chair of Liaison Committee
(b) Bench/Bar Committee Eleventh Judicial Circuit
(c) South Carolina Bar Association

Judge Crouch provided that she is not a member of a civic, charitable, educational, social, or fraternal organizations,

Judge Crouch further reported:
In the past, I wrote of the influence my father had on the type of lawyer I wanted to be and the type of lawyer I was, writing of growing up in the law library, back when there were such things, in my father's law firm. I would pull the books from the shelves, pretending that I was a great lawyer like my father, preparing to argue a landmark case. That was in the fifth grade. As a child, I thought my father was the greatest attorney. As an adult, I still believed that, but now I understand that it was not his skill at arguing a case before a jury which made him great, but his greatness was seen in his approach to his practice and his treatment of his clients. Even after practicing for over forty years, he approached every case as if it was the most important case and every client as if he or she was the most important client. As an attorney, I tried to mimic the very best attributes that I learned from my father. I treated my clients with respect. I approached every case, no matter the size, no matter the issue, very seriously, striving to be prepared for any scenario in the courtroom. I was sensitive to the fact that my clients entrusted me with some of the most important aspects of their lives—children, homes, finances, their futures. I respected the trust which they placed in me. As a judge, I recognize now that there are few attorneys who practice law like my father and lawyers from his generation. The practice of law has changed over the years, as has the approach to the practice of law. I recognize that while change may be difficult, sometimes it is necessary. I have had to adjust certain expectations within the courtroom, but I still believe it is imperative that the court uphold the integrity of the legal system and apply the rule of law fairly and impartially. Oftentimes, the application of the rule of law is misunderstood, but a failure to apply the rules and the law is a failure to the system and a failure to the administration of justice. I have always been a rule follower, and as a judge that has not changed. It is my earnest hope that litigants and their

representatives leave my courtroom knowing they were treated respectfully and fairly by an ethical and knowledgeable judge.

(11) Commission Members' Comments:
The Commission respects Judge Crouch's knowledge and application of the law. The members commended her temperament, noting that she listens and works through litigants' concerns in order to "get the job done."

(12) Conclusion:
The Commission found Judge Crouch qualified, and nominated her for re-election to Family Court, Eleventh Judicial Circuit, Seat 2.

The Honorable Robert E. Newton
Family Court, Eleventh Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Newton meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Newton was born in 1964. He is 60 years old and a resident of Lexington, South Carolina. Judge Newton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1989.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Newton.

Judge Newton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Newton reported that he has not made any campaign expenditures.

Judge Newton testified he has not:

(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Newton testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Newton to be intelligent and knowledgeable.

Judge Newton reported that he has taught the following law-related courses:

(a) I have presented at the Orientation School for New Family Court Judges on the topic of DSS Abuse/Neglect cases every year since 2015.
(b) Since 2018, I have been privileged to have seven of our newly elected family court judges sit with me at various times for a week of court as part of their required training.
(c) I have presented at the Lexington County Volunteer Juvenile Arbitrator Training Program every year since 2014 except one.
(d) Since 2014, I have regularly presided over numerous ceremonies which included giving a speech and administering the oath to new guardian ad litems for the Lexington Guardian ad Litem Program. Thus far, I have administered the oath to over 100 volunteers who have offered to serve as guardian ad litem in DSS abuse / neglect actions.
(e) I participated as a presenter at the Lexington County Bar Association Judicial Panel CLE on April 16, 2012, and September 28, 2016.
(f) I served as moderator / presenter as an attorney with a panel of Family Court Judges at the Family Court Bench / Bar CLE in December 2011, on the topic of "How to settle cases in today's economy".
(g) I served as a panel member for a presentation at the Family Court Bench / Bar CLE in December 2008, on the topic of "Blended Mediation and Arbitration in Family Court".

Judge Newton reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Newton did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Newton did not indicate any evidence of a troubled financial status. Judge Newton has handled his financial affairs responsibly.

The Commission also noted that Judge Newton was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Newton reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Newton reported that he has not served in the military.

Judge Newton reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Newton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Newton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Newton was admitted to the South Carolina Bar in 1989.

He gave the following account of his legal experience since graduation from law school:

(a) 1988 until 1992 – Coleman, Sawyer, Breibart, & McCauley. I began working as a law clerk during law school for this firm and joined as an associate after graduation. Our firm had offices in Saluda, SC and

Lexington, SC. This was a litigation intensive firm where my practice was devoted to approximately 75% domestic / family court matters (including all aspects of divorce, child custody, visitation, child support, alimony, equitable division), 20% civil litigation (including personal injury), and 5% criminal defense (including juvenile matters). This firm dissolved its association when C. David Sawyer was elected to the Family Court bench in 1992.

(b) 1992 until December 2003 – Breibart & McCauley, P.A. (subsequently Breibart, McCauley & Newton, P.A.). My practice remained essentially as described above divided between domestic / family court (approximately 75%), civil litigation (20%), and criminal defense (5%). I assisted in managing and maintaining the firm trust account related to my files. I left this firm and it was dissolved in December of 2003.

(c) January 2004 until June 2012 - The Dooley Law Firm, P.A. This firm was comprised of 3 other attorneys upon my departure. My practice remained devoted to the areas as described above until approximately 2009 when I began to cultivate a practice limited to Family Court Mediation and Arbitration. At the time of my departure to become a Family Court Judge, my practice was almost exclusively devoted to Family Court Mediation and Arbitration which I conducted statewide. I managed and maintained my individual trust account as well as assisted in managing the firm operating account as a shareholder.

(d) July 2012 until the present time - I am currently honored to serve as a Family Court Judge for the Eleventh Judicial Circuit, Seat 3, and have served continuously since my election in 2012.

Judge Newton reported that he has held the following judicial office(s): I was elected by the General Assembly of South Carolina to serve as Family Court Judge for the Eleventh Judicial Circuit, Seat 3, in May 2012, and have served continuously since that time. The Family Court generally has exclusive jurisdiction over all matters involving domestic or family relationships to include validity of marriages, divorce, child custody, visitation rights, termination of parental rights, adoption, child

support, alimony, equitable division of marital property, and change of name. Family Court has jurisdiction over child abuse and neglect proceedings as well as over issues involving vulnerable adults. The court also generally has exclusive jurisdiction over children under the age of eighteen alleged to have committed any criminal offense.

Judge Newton provided the following list of his most significant orders or opinions:

(a) S.C.D.S.S. v. Freeman, et. al., Op. No. 2023-UP-286 (S.C. Ct. App. July 31, 2023). This case was a termination of parental rights action that involved a child who had been in foster care for approximately forty-eight months at the time of trial. The primary issue on appeal was the statutory ground of the child having been in foster care for fifteen of the most recent twenty-two months and whether DSS had met its burden of proof in that regard. This case had some complexity due to arguments involving the delay being attributable to issues in procuring and completing services due to the COVID-19 pandemic. In addition, while it was not addressed on appeal, the decision also required an analysis of the alleged disability of the mother and the impact that would have on the decision to terminate her parental rights. Ultimately, I determined termination was in the child's best interest and the Court of Appeals affirmed that determination.

(b) S.C.D.S.S. v. Heath, et. al., Op. No. 2022-UP-318 (S.C. Ct. App. August 3, 2022). This matter was before me on a Motion to Compel Discovery filed by the Defendants against the Plaintiff, South Carolina Department of Social Services. I granted the Motion of the Defendant and ordered SCDSS to pay fees and costs incident to the Motion in the amount of $1,070.05 pursuant to Rule 37, SCRCP. I found this appropriate based upon their failure to comply with the applicable discovery rules finding that SCDSS, as a litigant, was subject to the rules of court just as any other litigant. SCDSS appealed the ruling and the Court of Appeals affirmed my decision.

(c) S.C.D.S.S. v. Degnan, et. al., Op. No. 2020-UP-088 (S.C. Ct. App. March 26, 2020). This was a contested termination of parental rights action wherein the father appealed my decision at trial to terminate his parental rights in his child

on various grounds. While various findings were contested, a primary point in contention was the investigation and testimony of the guardian ad litem. Father contended the guardian ad litem had failed to conduct an independent investigation. However, I found the investigation proper and considered the recommendations of the guardian ad litem which was determined by the Court of Appeals to be proper. I found the history of extensive drug use and other factors warranted termination of parental rights as being in the child's best interest.

(d) S.C.D.S.S. v. Montiel, et. al., Op. No. 2017-UP-132 (S.C. Ct. App. March 24, 2017). This was a complex termination of parental rights action that was tried before me over the span of two days wherein SCDSS sought to terminate the parental rights of both the mother and the father. Both parents appealed the ruling. Mother's appeal was summarily dismissed and father's appeal resulted in the above cited unpublished opinion affirming the decision at trial. The mother had a total of 13 children that were the subject of this action. The father was the father of three of the thirteen children at issue in this case. Father required an interpreter at trial, as he was unable to speak and understand English. Therefore, this was a complicated trial with numerous parties and legal issues as well as the logistical issues of the language barrier. Ultimately, the ruling was affirmed.

(e) In the Interest of Kevin R., 409 S.C. 297, 762 S.E.2d 387 (2014). This case involved a juvenile trial for the charge of carrying a weapon on school grounds. At the call of the case, the juvenile made a motion for a jury trial which I denied. Ultimately, the decision was affirmed on appeal by the Supreme Court in the above cited opinion. While the case is significant for the legal issues addressed in the opinion, it will always be significant for me because it was the very first contested trial before me as a Family Court Judge as the case was tried on only my second day of serving on the bench alone.

* In listing the above cases in response to this question, I feel compelled to note that having been honored to serve as a Family Court Judge for twelve years, I am keenly aware of the fact that every single case that has

and will come before me is "significant" to the litigants it affects. My choice of these cases is due to their significance to me due to the legal issues they addressed and what I was able to learn from them to help me improve as a judge.

Judge Newton reported no other employment while serving as a judge.

Judge Newton further reported the following regarding unsuccessful candidacies:
In 1992 I ran unsuccessfully for the South Carolina House of Representatives, House District 39 (Saluda and Lexington Counties). I ran unsuccessfully for the Lexington School District One School Board in 2002. In the Fall of 2006 (election February 2007) I ran unsuccessfully for Family Court Judge, Eleventh Judicial Circuit, Seat 2.

(9) Judicial Temperament:
The Commission believes that Judge Newton's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Newton 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, "No Comment Needed."

Judge Newton is married to Caroline Steppe Newton. He has one child.

Judge Newton reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar
(b) South Carolina Conference of Family Court Judges
-Since the filing of my original PDQ, I was honored on October 2, 2024, to be elected by my peers to serve as Secretary of the Organization.
(c) South Carolina Family Court Judges Advisory Committee

Judge Newton provided that he is not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Newton further reported:

I have been a member of the South Carolina Bar for 35 years and have spent the majority of my professional life involved in the Family Courts of South Carolina. I began as a lawyer who practiced in Family Court and have been honored to serve as a Family Court Judge for the past 12 years. I truly believe that my life experiences as a judge for 12 years, a practicing attorney for 23 years, a husband for 38 years and a father for 28 years have all combined to make me very well qualified to continue to serve.

I would respectfully submit that I am more qualified now than when I was previously found "qualified and nominated" by this Commission in 2007, 2012, and 2019. I have matured and worked hard to improve both my knowledge of the law and my courtroom conduct and demeanor. I feel compelled to note that, at this time, there are only ten actively serving family court judges in the State of South Carolina who have served longer. Therefore, I believe I have a depth of experience and a record of dedicated, faithful service that I am hopeful will be deemed worthy of the honor of continuing to serve for another term.

Since I began in 2012, I have approached being a Judge much the same as I did the practice of law. I work each day to be a better Judge than the day before. I carry with me every day the belief that the Family Court is one of the most important courts in the State, since our decisions affect the lives of so many people in real time at what is often the most emotional and difficult time in their lives. As a result, I work hard to treat every case as the most important case I will hear that day because to the litigants involved, it is the most important case.

During my tenure as a Judge, I have worked hard to improve not only the job that I do and the role I play in the Family Court system, but to also improve and elevate the system as a whole and maintain the professionalism and integrity of the process and all those involved. I am immensely proud of the work done in the Family Courts. I hope the work I have done both in the courtroom and by involvement in other areas to improve the system, shows my level of commitment to continue to improve what we all do and maintain the highest standards of professionalism and integrity that the citizens are entitled to expect from the judiciary.

I sincerely hope that I will be given the opportunity and privilege of serving another term to continue the work I have come to enjoy and value so much.

(11) Commission Members' Comments:
The Commission commented that Judge Newton has an outstanding reputation as a jurist. They spoke to his great experience and compassion, noting that they appreciated his service on the bench.

(12) Conclusion:
The Commission found Judge Newton qualified and nominated for his re-election to Family Court, Eleventh Judicial Circuit, Seat 3.

The Honorable Alicia Allsbrook Richardson
Family Court, Twelfth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Richardson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Richardson was born in 1970. She is 54 years old and a resident of Britton's Neck, South Carolina. Judge 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 Judge Richardson.

Judge 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.

Judge Richardson reported that she has not made any campaign expenditures.

Judge 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.

Judge 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 Judge Richardson to be intelligent and knowledgeable.

Judge 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.
(n) December 2023 – I spoke at the Telehealth Summit of South Carolina on the use of Forensic photography in sexual assault and domestic violence cases.

Judge 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 Judge Richardson did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Richardson did not indicate any evidence of a troubled financial status. Judge Richardson has handled her financial affairs responsibly.

The Commission also noted that Judge 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:
Judge Richardson reported that she is not rated by any legal rating organization.

Judge Richardson reported that she has not served in the military.

Judge Richardson reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Richardson appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Richardson appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge 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 – December 2023. Prosecuted cases in the Georgetown County Solicitor's office in General Sessions Court. Supervised the Georgetown office including General Sessions, Family Court, and Magistrates Court attorneys.
(h) Family Court Judge for the Twelfth Judicial Circuit, Seat 1. In February 2023, I was elected as the resident Marion County Family Court Judge to fill the unexpired term of the Honorable Timothy H. Pogue upon his mandatory retirement on December 31, 2023. My term began January 2, 2024 and expires June 30, 3025. I am seeking re-election to this seat.

Judge Richardson reported that she has held the following judicial office(s):
Family Court Judge for the Twelfth Judicial Circuit, Seat 1
Elected February 2023 to fill the unexpired term of the Honorable Timothy H. Pogue
Term began January 2, 2024 and expires June 30, 2025
The Family Court is a court of limited jurisdiction.

Judge Richardson provided the following list of her most significant orders or opinions:
(a) Brody v. Brody, This was a contested divorce and child custody case tried for five (5) days during my first solo week on the bench. The Plaintiff was a self-represented litigant, the Defendant was represented by an attorney, and there was an attorney guardian ad litem for the minor children. The Plaintiff contested subject matter jurisdiction and alleged that the purported twenty-year marriage was invalid based on the timing and language of an out-of-state Annulment Decree. Both parties pursued divorce on fault grounds including adultery, habitual drunkenness, cross complaints of physical cruelty, as well as allegations of abandonment, before supplementing the pleadings on continuous separation without cohabitation for one year. Other issues before the Court included alimony, bar to alimony, discovery violations, default, determination of whether federal civilian disability retirement was income or an asset, VA disability benefits, equitable distribution, valuation of time shares,

child custody with allegations of alienation, multiple Department of Social Services investigations, multiple instances of law enforcement encounters with the family, mental health concerns, complaints regarding access to subpoenas by the self-represented litigant, voluminous and improper court filings, attorneys fees and costs, and guardian ad litem fees. As the Plaintiff was self-represented, I drafted and issued the lengthy Final Order. A Motion for Reconsideration was filed and heard on the issues involving the children. A Motion for Reconsideration is pending on some of the financial matters based on alleged errors in the exhibits. The parties are participating in post-trial discovery and will schedule a hearing to supplement the record to determine if corrections are needed.

(b) Rivers v. Hooks – This two -day custody trial involved the issue of whether exposure to sexually-themed art and a parent's pursuit of a doctorate degree in the field of Clinical Sexology was a factor to be used in determining child custody.

(c) Glowe v. Glowe – This was a contested three-day divorce, equitable division, and custody case. The parties did not schedule sufficient time to try the case and the matter had to be re-scheduled for additional time during a subsequent court term. Each party alleged fault grounds for divorce. Both parties alleged adultery, the Plaintiff alleged habitual drunkenness, and the Defendant alleged physical cruelty. Custody was contested for the parties' youngest child. The Defendant requested alimony, the Plaintiff alleged alimony was barred, and the Plaintiff also pled the affirmative defenses of condonation and recrimination. There was an incomplete attempt to join third-party defendants who had an ownership interest in a vacation home owned by the parties. The third-party owners had initiated a foreclosure action against the parties in another county. The most highly contested issue in the case was whether or not a business that began prior to the marriage had been transmuted into marital property. The parties did not hire an expert and valuation of the business was an issue for the Court to determine with the parities having over a two-million-dollar difference in alleged value. A lengthy oral ruing was issued in the case, and it is awaiting Final Order.

(d) Woodley v. Black – This was a contested child custody modification action The Plaintiff was represented by an attorney, and the Defendant was self-represented. A lay guardian ad litem had previously been appointed for the child. Shortly before trial, the paternal grandmother was made a party to the case and was awarded temporary custody of the child after an emergency motion by the guardian ad litem. There were allegations of alcohol and/or substance

abuse by both parents, alienation of the child, involving the child in the parental disputes, homelessness and/or lack of stable housing, and non-compliance with prior court orders. The parties accumulated legal fees and litigation costs that they could not afford based on their reported incomes, yet they both participated in extending the litigation. It was tried over approximately three days. I am not aware of any appeals or motions to reconsider.

(e) Clevinger v. Clevinger – This was a bi-furcated divorce case where I heard the financial issues and the divorce, as well as a Motion to sell the marital home, and two Contempt actions. The issues involving the minor child were previously decided in a contested trial before another Judge, and the case was bi-furcated as the parties were in bankruptcy proceedings at the time of the custody hearing. The divorce itself was uncontested but a contested hearing was held on the issues of equitable distribution and attorney's fees, as well as the Plaintiff's Motion to sell the marital residence, and two Contempt actions against the Defendant for failing to pay guardian ad litem fees, child support, and attorney's fees as previously ordered. The Defendant was a self-represented litigant, and complained of unfairness. I ordered the home to be sold with the Clerk of Court authorized to sign the deed if the Defendant failed to cooperate. I established a list and priority schedule of the obligations to be paid from the proceeds. I am not aware of any appeals or post-trial motions.

Judge Richardson reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Judge Richardson's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Richardson 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 Richardson is married to Charles Thomas Richardson. She has three children.

Judge 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; and,
(e) Marion County Bar Association, current member.

Judge Richardson provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations, and was recognized with the following awards:

(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

Judge Richardson further reported:

In preparing my first application packet, I 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 re-election to 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 added a vast array of personal and professional experience and life lessons that have prepared me for this position. I have been married for thirty years and have three wonderful children. I have balanced a demanding legal career with the demands of motherhood.

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 Judge Richardson has transitioned to the job of Family Court judge well, as demonstrated by the feedback on her from members of the SC Bar. They remarked that it is rare for a Family Court Judge to receive no negative comments and complimented her on achieving this as a new Family Court Judge.

(12) Conclusion:
The Commission found Judge Richardson qualified, and nominated her for re-election to Family Court, Twelfth Judicial Circuit, Seat 1.

The Honorable FitzLee H. McEachin
Family Court, Twelfth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McEachin meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge McEachin was born in 1982. He is 42 years old and a resident of Florence, South Carolina. Judge McEachin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge McEachin.

Judge McEachin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McEachin reported that he has not made any campaign expenditures.

Judge McEachin testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge McEachin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge McEachin to be intelligent and knowledgeable.

Judge McEachin reported that he has taught the following law-related courses:

(a) I taught Business Law at Florence Darlington Technical College from 2009 to 2016.
(b) I taught Constitutional Law at Florence Darlington Technical College in 2015.
(c) I taught Probation, Pardon and Parole Law at Florence Darlington Technical College in 2015.
(d) Tips from the Bench and Pheasant Hunt, CLE, October 2019. Panel Discussion with Circuit Court Judges. Discussed criminal aspects within the Family Court arena.
(e) South Carolina Bar Convention 2024, Hollywood Squares, Panel Discussion regarding various issues in the South Carolina Family Court.

Judge McEachin reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge McEachin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge McEachin did not indicate any evidence of a troubled financial status. Judge McEachin has handled his financial affairs responsibly.

The Commission also noted that Judge McEachin was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge McEachin reported that he is not rated by any legal rating organization.

Judge McEachin reported that he has not served in the military.

Judge McEachin reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge McEachin appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge McEachin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge McEachin was admitted to the South Carolina Bar in 2007.

He gave the following account of his legal experience since graduation from law school:

(a) Law Clerk, Honorable Michael G. Nettles, South Carolina Circuit Court Judge (2007-2008)
(b) Twelfth Judicial Circuit Solicitor's Office (2008 – 2018) – switched from full time to part-time in May 2011. As an assistant Solicitor, I have handled a wide range of cases ranging from property crimes and drug crimes, to murders and child-related criminal sexual conduct cases.
(c) McEachin & McEachin, P.A. (2011 – 2018) – My private practice focuses primarily in the areas of domestic relations litigation and civil litigation. I have been involved in the administrative and financial management of our two-man firm since 2015, and I currently maintain and manage the firm's trust account.
(d) South Carolina Family Court Judge (2019 – present) – I preside over all matters brought in the Family Court of this State; including, but not limited to, private actions, Department of Social Services actions, Department of Juvenile Justice actions, and adoptions.

Judge McEachin reported that he has held the following judicial office(s):
South Carolina Family Court Judge (January 2019 through present). The Family Court is a court of limited jurisdiction that obtains its authority through the grant of jurisdiction through laws passed by the South Carolina General Assembly.

Judge McEachin provided the following list of his most significant orders or opinions:

(a) Gandy v. Gandy, 442 S.C. 340,898 S.E.2d 208 (Ct. App. 2024)(cert. pending).
(b) Scherba v. Scherba, 2020-DR-32-1732 (Lexington Co.)
(c) Mace v. Mace, 2021-DR-26-0781 (Horry Co.)

(d) Hadzijahic v. Hadzijahic, 2021-DR-10-3473 (Charleston Co.)
(e) State v. L.A.M., a juvenile, 2024-JU-21-0299 (Florence Co.)

Judge McEachin reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge McEachin 's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge McEachin 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 had no related or summary comments.

Judge McEachin is married to Erin Olivia Tarte McEachin. He has two children.

Judge McEachin reported that he was a member of the following Bar and professional associations:
(a) Florence County Bar Association, 2007-present.
(b) South Carolina Bar Association, 2007-present.
(c) South Carolina Young Lawyers Division, Circuit Representative, 2009-2011.
(d) South Carolina Conference of Family Court Judges, 2019-present.

Judge McEachin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Assistant Scout, Boy Scouts of America, Troop 477, Florence, South Carolina
(b) Den Leader, Cub Scouts, Troop 475, Florence, South Carolina
(c) Coach, Florence Soccer Association, Florence, South Carolina
(d) Assistant Coach, Little League Baseball, Florence, South Carolina

(e) The Pee Dee Area Citadel Club, President, Vice-President, Secretary/Treasurer
(f) The Citadel Alumni Association, Life Member
(g) The Citadel Brigadier Foundation

Judge McEachin further reported:
I was born and raised in Florence, South Carolina. I went to public school from first grade through twelfth grade. I participated in youth baseball at McLeod Park and youth soccer for the Florence Soccer Association. I received my Eagle Scout from First Presbyterian Church. I attended Palmetto Boys State. I am a fifth generation, life-long member of St. John's Episcopal Church. I went to the Citadel and then to the Charleston School of Law. All of these experiences have helped to mold my temperament. My habit and custom in life has been to treat people with courtesy and respect, and that will not change if I am re-elected to this position.

(11) Commission Members' Comments:
The Commission is pleased with Judge McEachin's experience on the bench and the positive feedback he has received from members of the Bar.

(12) Conclusion:
The Commission found Judge McEachin qualified, and nominated him for re-election to Family Court, Twelfth Judicial Circuit, Seat 2.

The Honorable Rochelle Yarborough Conits
Family Court, Thirteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Conits meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Conits was born in 1965. She is 59 years old and a resident of Greenville, South Carolina. Judge Conits provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Conits.

Judge Conits demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Conits reported that she has made $38.72 in campaign expenditures for postage.

Judge Conits testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Conits testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Conits to be intelligent and knowledgeable.

Judge Conits reported that she has taught the following law-related courses:

(a) I taught briefly at the South Carolina Court Administration Orientation for Family Court Judges on July 11, 2007.
(b) I participated as a judge at the South Carolina Bar High School Mock Trial Competition on February 23, 2008, in Greenville, SC.
(c) I participated as a judge at the Carol N. New National Mock Trial Tournament at Furman University on March 26, 2010.
(d) I participated as a panel speaker at the National Business Institute Judicial Forum on February 18, 2011.
(e) I participated as a speaker at the Greenville High School Law Week on April 5, 2911.

(f) I participated as a speaker at the Children's Law Center Ethical Issues in Abuse and Neglect Cases on November 18, 2011.
(g) I participated as a speaker at the South Carolina Bar Family Court Bench/Bar Seminar on December 2, 2011.
(h) I participated as a speaker at the National Business Institute Judicial Forum on February 16, 2012.
(i) I participated as a judge at the Carol N. Ney National Mock Trial Tournament at Furman University on March 23, 2012.
(j) I have hosted a student intern each summer through the NMRS Center on Professional Judicial Observation and Experience Program.
(k) I hosted a student from the South Carolina Supreme Court Access to Justice Commission to observe court on October 2, 2012.
(l) I participated as a panel member at the South Carolina Family Court Bench/Bar Seminar on December 7, 2012.
(m) I participated as a speaker at the South Carolina's Women Layer's Meeting in Greenville on December 13, 2012.
(n) I participated as a speaker at the Greenville County Bar Associated Year End CLE on February 15, 2013.
(o) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on March 11, 2013.
(p) I participated as a judge at the Carol N. New National Mock Trial Tournament at Furman University on March 15, 2013.
(q) I taught at the South Carolina Bar Bridge the Gap Seminar at the University of South Carolina on August 5, 2013.
(r) I spoke at the Legal Staff Professionals of Greenville on October 16, 2013.
(s) I spoke to the Palmetto Girls State in Clinton, South Carolina on June 12, 2014.
(t) I spoke at the Greenville Bar Luncheon on October 16, 2014.
(u) I completed the SC Supreme Court Pilot Mentoring Program for the newly elected Summary Court Judge on November 11, 2014.
(v) I spoke at the SC Bar Conventional Family Court Judge's Meeting in Columbia on January 22, 2015.
(w) I participated on the panel presentation of "What do Judges Want from the GAL & Best Practice Tips from the Bench" at the SC Bar Best Interest of the Child: 2015 Guardian ad Litem Training and Update CLE on February 6, 2015.

(x) I spoke at the SC 2015 Annual Judicial Conference on Access to Justice Issues on August 20, 2015.
(y) I spoke at the Wade Hampton High School Career Day on October 1, 2015.
(z) I participated in the South Carolina Summit on Access to Justice of All in Columbia, SC on October 24, 2016.
(aa) I spoke at the SC Bar and SC Equality Post-DOMA Litigation Task Force Modern Family Seminar on March 24, 2017.
(bb) I attended and participated in the 2017 Southern Regional CCJ/COSCA Models for Change Juvenile Reform Summit in Nashville, Tennessee on April 19-21, 2017.
(cc) I spoke at the Best Interest of the Child: 2018 Guardian ad Litem Training on January 26, 2018
(dd) I spoke at the Northwood Middle School Career Day on May 4, 2018.
(ee) I hosted The Honorable Jean H. Toal and The Honorable Aphrodite K. Konduros to speak to the Saint Mary's Elementary School on the South Carolina Judiciary on May 9, 2019.
(ff) I spoke at the 2019 Greenville County Bar Association CLE on February 8, 2019, providing a case-law update.
(gg) I participated in a panel discussion CLE Lunch and Learn for the Upstate Mediation Center on February 22, 2019.
(hh) I spoke at the Family Court Judges Spring 2022 Meeting on Enhanced Supervision One Case One Judge on April 29, 2022.
(ii) I participated in the Family Court Hollywood Squares at the Family Court Section of the SC Bar Meeting on Friday, January 19, 2024.

Judge Conits reported that she has published the following:
Marital Litigation in South Carolina Substantive Law Third Edition Roy T. Stuckey (S.C. Bar CLE 2001), Editorial Board.

(4) Character:
The Commission's investigation of Judge Conits did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Conits did not indicate any evidence of a troubled financial status. Judge Conits has handled her financial affairs responsibly.

The Commission also noted that Judge Conits was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:
Judge Conits reported that her last available rating by a legal rating organization, Matindale-Hubbell, was AV.

Judge Conits reported that she has not served in the military.

Judge Conits reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Conits appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Conits appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Conits was admitted to the South Carolina Bar in 1992.

She gave the following account of her legal experience since graduation from law school:

(a) I graduated from law school in May 1992, and my son was born in October 1992. After law school graduation, I worked part-time as a law clerk/paralegal at Harris & Graves, Columbia, South Carolina and the Law Offices of Betty Gambrell Cobb, Columbia, South Carolina.

(b) In January 1993, I accepted my first practicing position as an Associate Attorney at the Law Offices of King & Vernon, P.A., Columbia, South Carolina. I worked primarily for Kermit S. King, focusing on private family court litigation.

(c) In January 1997, my son and I relocated to Greenville, South Carolina, after the death of my first husband, and I accepted a position at Wilkins & Madden, P.A., where I continued my family court practice.
(d) In March 2000, I was promoted to Partner at Wilkins & Madden, P.A.
(e) In February 2006, Wilkins & Madden, P.A. merged with Nelson Mullins Riley & Scarborough, and I was employed as an Attorney of Counsel with NMR&S until I was sworn in to the Family Court bench in May 2006 and stopped practicing law. I took the bench to fill the unexpired term of Stephen S. Bartlett in September 2006, and I started my own term in June 2007.
(f) I have devoted my entire legal career to the area of family law. While I was not involved in the financial management of any of these firms, I did supervise my secretarial and paralegal staff. I did not manage or oversee trust accounts; however, I did ensure that my timesheets were accurately reflected on monthly statements to clients.

Judge Conits reported that she has held the following judicial office(s): Since September 1, 2006, I have held Seat #1 South Carolina Family Court Judge in Greenville County. I was elected by the South Carolina Legislature to this position in February 2006.

The Family Court is a court of limited, exclusive, and concurrent jurisdiction pursuant to S.C. Code Sections 63-3-510; 63-3-520; 63-3-530; 63-3-640; 62-5-201; 63-7-2520; 63-17-2920; 62-1-302; 63-7-1610; 63-9-40; 63-19-1210.

Judge Conits provided the following list of her most significant orders or opinions:

(a) Hirschi v. Doe, Op. No. 2019-UP-323 (S.C. Ct. App. filed Oct. 1, 2019) (per curiam). I denied this out-of-state adoption case, and the Court of Appeals affirmed this decision.
(b) Jeffrey Spencer Fossett v. Melissa Renee Fossett, 440 S.C. 576, 891 S.E.2d 515 (Ct. App. 2023), cert. denied, S.C. Sup. Ct. Order dated February 7, 2024. This was a two-day child custody modification action. Father appealed my denial of his request for

sole custody, and the Court of Appeals affirmed my decision.

(c) Jessica Dull v. Robert Dull, Op. No. 2021-UP-274 (S.C. Ct. App. filed July 14, 2021) (per curiam), cert. denied, S.C. Sup. Ct. Order dated February 22, 2022. This was a complex child custody psychological parent dispute. Father appealed my denial of his request to make a finding that he was the psychological parent of his Wife's child. The Court of Appeals affirmed by decision.

(d) S.C. Dep't of Soc. Servs. v. Brooks, Op. No. 2024-UP-188 (S.C. Ct. App. Filed May 20, 2024) (per curiam). This was a complex case in which a DSS abuse and neglect/termination of parental rights action was consolidated with a private termination of parental rights and adoption action involving medically fragile twins in which the DSS foster parents sought adoption. The Court of Appeals upheld my decision to terminate the parental rights of Mother and allow the foster parents to adopt.

(e) Smith v. Wilson, Op. No. 2023-UP-216 (S.C. Ct. App. Filed May 26, 2023 (per curiam). This was a termination of parental rights case involving a parent who struggled with drug addiction, but sought the return of his child. The Court of Appeals upheld my decision to terminate the Father's parental rights.

Judge Conits reported no other employment while serving as a judge.

Judge Conits further reported the following regarding unsuccessful candidacies:
I ran for a seat on the Court of Appeals in 2014; however, I was not selected for the final election although I was found to be well-qualified in all areas.

(9) Judicial Temperament:
The Commission believes that Judge Conits's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Conits to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee did not leave any comments.

Judge Conits is married to Spero John Conits. She has two children.

Judge Conits reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar
(b) Greenville County Bar
(c) South Carolina Conference of Family Court Judges, Secretary-Treasurer 2023-2024
(d) South Carolina Conference of Family Court Judges, Vice-President Elect 2024-2025
(e) South Carolina Conference of Family Court Judges, Specialty License Plate Member Representative 2013-present.

Judge Conits provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Co-Chair Self-Represented Litigants Sub Committee of the SC Supreme Court Access to Justice Commission
(b) Member of the SC Supreme Court Access to Justice Commission
(c) South Carolina Conference of Family Court Judges Specialty License Plate Representative for the SC Highway Department
(d) South Carolina Conference of Family Court Judges Recording Secretary
(e) South Carolina Conference of Family Court Judges Vice-President Elect
(f) St. Mary's Catholic School Spring Fling Committee
(g) 3rd/4th grade Sunday school teacher at St. George Greek Orthodox Cathedral
(h) St. George Greek Orthodox Cathedral Junior Girls Basketball Coach:

Judge Conits further reported:

There have been several life experiences which have affected the kind of judge I am. I strongly believe that judge's personal life experiences come into play when exercising the wide discretion afforded a judge in make decisions and rulings.

I grew up in Lexington, South Carolina. I am 1 of 4 children. Mr. father was a concrete finisher, and my mother was a physical therapist. I have two (2) older sisters and one (1) younger brother. My oldest sister, Barbara, died of cancer when she was in the 7th grade. My older sister, Tracy, is a 7th grade school teacher and has been teaching school for 38 years. My younger brother, Hayne, is a small business owner (concrete finishing) in Hot Springs, Virginia. I married the late Thomas H. Williamson, III, who died in November 1996 from cancer. I have one (1) son from this marriage, who is now 31 years old. He graduated from the Citadel Military College of South Carolina, earning a Bachelor of Arts Degree in Criminal Justice and a Master's Degree in Sports Management. He currently represents the United States as a professional javelin thrower for Team USA, USA Track & Field. Capers was 4 years old when his father passed away. I remarried in 2007, 11 years after Tom passed away. I was a single mother to Capers during the majority of his childhood. I remarried Spero Conits, and he and I have one daughter together.

My father operated his own concrete finishing company, and he worked extremely hard. Although he did not have more than a high school education, his hard work provided us with a comfortable lifestyle. I learned from my father the value and reward of hard work. My father had an incredibly strong worth ethic, and he did not let the fact that he did not attend college hold him back or affect his self-esteem in any manner. I gained self-esteem and confidence from my father.

My mother was a soft-spoken, kind person. She literally saw nothing but the good in every person, even those where were not always nice to her. She treated everyone as if they were wonderful, special, and deserving. I learned the true value of every person from my mother, and the fact that every person, regardless of circumstance, is worthy of fair and respectful treatment.

I have learned the hardship of being a single parent from the tragedy of Tom's death. I have a unique perspective of the impact being without a parent can have on a child, as I watched [my son] grow up without a

father. I understand the difficulties of single parenthood, and I believe this understanding helps me make good decisions for parents and children leaving Family Court. I also understand how critically important it is for children to have healthy relationships with both parents. I believe I am especially vigilant in promoting and protecting a child's relationship with both parents.

I have the experience of blending children and families from prior marriages. I have three (3) grown step-children from my first marriage, and three (3) grown step-children from my current marriage, one of whom primarily resided in my home during the school year. I have a real understanding of the challenges and issues facing families as they blend together and move forward as a new family unit.

As a Family Court judge, I understand the value of every person who comes before me. I try to look at the totality of the circumstances involving litigants and their situations. I believe in the basic goodness of people, and I believe most people generally do the best they can do. I am concerned with the long-term impact of my rulings; and I try to make sure that people leave my courtroom with a sense of being treated fairly and hope for their future. I know how short and unpredictable life can be, having lost a sister and a husband to cancer. These life experiences have afforded me a true appreciation of what is important and what ultimate does not matter at all. I have a special place in my heard for the parent/child relationship, having watched [my son] miss Tom and learn to grow up without him. I have a special place in my heart for children of divorced parents, having watched my 6 step-children miss their Moms and learn to cope with temporary separation from them.

If re-elected I will continue to do all I can to ensure that children have the opportunity to have a meaningful relationship with both parents, even in situations of divorce. I will strive to offer real solutions of permanency, stability, and safety to our children who are abused or neglected I will continue to offer guidance and hope to our juvenile offenders as they seek to re-establish themselves and move on to become productive citizens despite poor or unhealthy choices. It has always been my hope to better the lives and situations of the divorce litigants who come before me so that they may leave Family Court with a sense of fairness and justice and the necessary encouragement to lead productive and meaningful lives.

(11) Commission Members' Comments:
An affidavit was filed against Judge Conits by Ms. Cynthia Glenn. The Commission reviewed the affidavit, documents, and transcripts, provided by Ms. Glenn, while carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony from the complainant.

The underlying matter is based on a family court case. The record for this matter has been sealed, which limited the specifics that the Commission could discuss on the record and limited what response Judge Conits could provide.

Judge Conits was questioned by staff on her understanding of the Judicial Canons, specifically Judicial Canon 3(b)(7).

After reviewing the materials provided by Ms. Glenn and considering Ms. Glenn's testimony, the Commission does not find a failing on the part of Judge Conits in the nine evaluative criteria.

The Commission members commented that Judge Conits has an outstanding reputation as a jurist. They commended her for her extensive service on the bench and the number of positive comments she received during screening.

(12) Conclusion:
The Commission found Judge Conits qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 1.

The Honorable W. Marsh Robertson
Family Court, Thirteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Robertson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Robertson was born in 1963. He is 61 years old and a resident of Greenville, South Carolina. Judge Robertson provided in his application that he has been a resident of South Carolina for at least the immediate

past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Robertson.

Judge Robertson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Robertson reported that he has not made any campaign expenditures.

Judge Robertson testified he has not:
(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 Robertson testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Robertson to be intelligent and knowledgeable.

Judge Robertson reported that he has taught the following law-related courses:

(a) While in private practice, I lectured multiple times at the annual family law "Hot Tips" South Carolina Bar seminars, on topics dealing with divorce, alimony, and family court procedure.
(b) Since joining the bench, I have participated or offered to participate annually in the summer Judicial Observations Program for law students.
(c) In 2011, I presented as a guest lecturer at College of Charleston on issues pertaining to South Carolina adoption law.

(d) In 2012 and again in 2016, I served as a full-day panelist for a National Business Institute CLE titled "What Family Judges Want You to Know."
(e) In 2015, I presented at an orientation/training meeting for attorneys who assist Safe Harbor victim's advocates with hearings for orders of protection from domestic abuse.
(f) In 2017, I participated as a panelist at the SC Bar's Family Court Bench Bar CLE on the topic of visitation.
(g) In 2017, I participated as a full-day panelist in the NBI CLE, "As Judges See It: Top Mistakes Attorneys Make in Family Court."
(h) I have participated multiple times in an annual court-observation/Q&A session for Furman University's Medical Legal Partnership class on the topic of child support collection and enforcement in South Carolina.
(i) In 2021, I participated on the Family Court Judges Panel for a CLE sponsored by the Upstate Mediation Center.
(j) In 2021, 2022, and 2024, I spoke to lawyers on a variety of family law topics as a panelist at the Greenville Bar's Year-end Review CLE.
(k) In 2020, 2021, 2022, 2023, and 2024, I presented at the Orientation for New Family Court Judges on the topic of private contempt cases.

Judge Robertson reported that he has published the following:

(a) Marital Litigation in South Carolina: Substantive Law, 3rd Ed. (SC Bar - CLE Division 2001), Roy T. Stuckey, Editorial Board;
(b) Marriage and Divorce Law in South Carolina: A Layperson's Guide (SC Bar – CLE Division 2001), Roy T. Stuckey, Editorial Board.

(4) Character:

The Commission's investigation of Judge Robertson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Robertson did not indicate any evidence of a troubled financial status. Judge Robertson has handled his financial affairs responsibly.

The Commission also noted that Judge Robertson was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Robertson reported the following regarding his last available rating by a legal rating organizations:
Immediately prior to my election the Family Court in 2010, I maintained an AV rating by Martindale Hubbell, the publication's highest designation for legal ability and ethics. I was also selected for inclusion in South Carolina Super Lawyers in both years that I was eligible, 2008 and 2009.

Judge Robertson reported that he has not served in the military.

Judge Robertson reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Robertson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Robertson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Robertson was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) 1988 through 1990: Lewis, Lide, Bruce, and Potts, Columbia, SC. I was an associate in this law firm and practiced in a wide array of areas but with an emphasis on real estate law. I had no management or trust account responsibilities.
(b) 1990 through 1995: Robertson and Robertson, PA, Greenville, SC. – I practiced for this five-year stretch in a two-attorney partnership with my father, W.F. Robertson III. Our firm practiced family law. I assisted in management

of the firm's administration and financial responsibilities, including trust accounts.

(c) 1996 – June, 2010: After the retirement of my father, I continued practicing exclusively in the area of family law, either in sole practice or in the following partnerships: Robertson & Quattlebaum, LLC; Robertson & Coleman, LLC; Robertson, Hodges, and Coleman, LLC; and finally, Robertson & Hodges, LLC. I had significant involvement in management of these firms' administration and financial responsibilities, including trust accounts

(d) July 2010 – Present: Judge, Family Court, Seat 2, 13th Judicial Circuit. I served as Greenville County Family Court's Chief Judge for Administrative Purposes (CJAP) in 2013 and 2017; and as Pickens County's CJAP from July 1, 2016 through December 31, 2016; and am on deck to serve as Greenville County's CJAP in 2025.

Judge Robertson reported that he has held the following judicial office(s):

In February 2010, the South Carolina General Assembly elected me to Seat 2, Family Court, Thirteenth Judicial Circuit. I began sitting on or about July 8, 2010. The same body reelected me to the same seat in February, 2013 and again in February, 2019.

Quoting from the South Carolina Judicial Branch's website, "The Family Court has exclusive jurisdiction over all matters involving domestic or family relationships …, is the sole forum for the hearing of all cases concerning marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and change of name, [and] also generally has exclusive jurisdiction over minors under the age of seventeen alleged to have violated any state law or municipal ordinance."

Judge Robertson provided the following list of his most significant orders or opinions:

(a) Youngblood v. S.C. Dep't of Soc. Servs., 402 S.C. 311, 741 S.E.2d 515 (2013): This case involved an adoption dispute between a child's previous parents (Plaintiffs) and her current foster parents (Defendants). After declining to overrule a previous family court judge's finding that Plaintiffs had standing to adopt, I held a 5-day trial and granted adoption to Plaintiffs as being in the child's best

interest. The Court of Appeals affirmed my decision. Youngblood v. DSS, Op. No. 2012-UP-172 (S.C. Ct. App. filed March 8, 2012). In a groundbreaking decision, the Supreme Court reversed, holding that foster parents do not have standing to adopt a child once the Department of Social Services has placed the child for adoption elsewhere. Rather than granting adoption to Defendants, however, the Court remanded the child to DSS custody and directed DSS to "consider Child's best interests in placing her for adoption." The Youngblood opinion became one of a series of adoption cases that led the South Carolina General Assembly in 2018 to overhaul S.C. Code Ann. §63-9-60 to make clear that all South Carolina residents, including foster parents and former foster parents, have standing to petition for adoption of a child regardless of which individual or entity (including D.S.S.) has custody.

(b) Broom v. Jennifer J, 403 S.C. 96, 742 S.E.2d 382 (2013): The South Carolina Supreme Court affirmed my order terminating the defendants' parental rights and granting an adoption to Plaintiffs, agreeing with my determination that "the statutory grounds for termination were satisfied and termination of Defendant-Mother's parental rights was in Child's best interest." In the opinion, the Supreme Court also addressed a previous family court judge's erroneous denial of Mother's right to counsel, but found that Mother was not prejudiced by that judge's error.

(c) Fredrickson v. Schulze, 416 S.C. 141 785 S.E.2d 392 (Ct. App. 2016): In this published opinion, the Court of Appeals affirmed my identification, valuation and apportionment of a relatively complex marital estate in a case that involved considerable transmutation issues. The Court also affirmed my denial of the husband's request for attorney's fees.

(d) Turner v. Thomas, 431 S.C. 527; 848 S.E. 2d 104 (Ct. App. 2020): A protracted three-way child custody dispute between a grandmother, a grandfather, and a quasi-stepfather culminated in a three-day trial featuring seventeen witnesses and sixty exhibits. In my final order, I granted custody to the grandmother and established a visitation plan for the other two litigants. The Court of Appeals affirmed my decision, agreeing with my findings that (1) the quasi-stepfather had standing to pursue custody or visitation as the

child's "psychological parent;" (2) that the child's best interest would be served in the custody of the grandmother; and (3) that I properly apportioned responsibility for the attorney's fees and guardian ad litem's fees.

(e) Swicegood v. Thompson, 435 S.C. 63, 865 S. E. 2d 775 (2021): In 2014, I dismissed for want of subject matter jurisdiction an action brought by a female alleging to have established a common law marriage with another female. While the appeal of my order was pending, the Supreme Court of the United States held "that same-sex couples may exercise the right to marry." *Obergefell v. Hodges*, 135 S. Ct. 2584, 2599 (2015). Consequently, the Court of Appeals remanded the case back to me "to consider the implications of Obergefell on its subject matter jurisdiction." (See Swicegood v. Thompson, 2016-UP-013). In my Order on Remand, I reaffirmed my previous dismissal of the case, finding that under the pertinent facts, *Obergefell* cannot retroactively create a common law marriage between the two litigants. The Court of Appeals affirmed my decision (See Swicegood v. Thompson, 431 S.C. 130, 847 S. E. 2d 104 (Ct. App. 2020). Ultimately, the South Carolina Supreme Court affirmed the result, i.e., that no common law marriage was established.

Judge Robertson reported no other employment while serving as a judge.

Judge Robertson further reported the following regarding unsuccessful candidacies:
I was qualified and nominated for Seat Six, Family Court, Thirteenth Judicial Circuit, but withdrew my candidacy prior to the February, 2009 election. I was qualified and nominated for Seat Three, Family Court, Thirteenth Judicial Circuit, but withdrew my candidacy prior to the May, 2008 election.

(9) Judicial Temperament:
The Commission believes that Judge Robertson's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Robertson to be "Well-Qualified" in the evaluative criteria of ethical

fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the criteria of constitutional qualifications, physical health, and mental stability. The Committee had no related comments.

Judge Robertson is married to Patricia Teasley Robertson. He has three children.

Judge Robertson reported that he was a member of the following Bar and professional associations:

(a) Greenville County Bar Association
(b) South Carolina Bar (Family Law Section)
(c) South Carolina Family Court Judges Association: President (2021-2022); Vice President (2020-2021); Secretary/Treasurer (2019-2020).

Judge Robertson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Greenville Country Club

Judge Robertson further reported:

Now serving my fifteenth year as a Family Court Judge, I take great pride in the confidence and respect afforded to me by my esteemed colleagues on the Family Court. During the current term, I was elected by my peers as an officer of our Family Court Judges association, ultimately serving as the group's president; I began presenting annually at the Orientation School for New Family Court Judges; and I accepted a request to join Judge Tim Madden in taking over the Family Court Judge's Toolkit, a comprehensive software resource package widely utilized by the South Carolina Family Court bench. I routinely receive emails and phone calls from my fellow judges asking me for guidance or sample orders. Through hard work and a commitment to doing things the right way, I have positioned myself moving forward to act as a mentor or role model to my more recently elected brothers and sisters on the Family Court bench.

(11) Commission Members' Comments:
The Commission commented that Judge Robertson is an even-keeled judge who is always helpful to the lawyers appearing in his courtroom. The Commission noted that the State is grateful to have Judge Robertson

on the bench, in that he has a wealth of knowledge and is able to mentor younger judges. They believe he will continue to be an asset to the Judiciary.

(12) Conclusion:
The Commission found Judge Robertson qualified and nominated him for re-election to Family Court, Thirteenth Judicial Circuit, Seat 2.

Jonathan D. Hammond
Family Court, Thirteenth Judicial Circuit, Seat 6

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Thirteenth Judicial Circuit, Seat 6, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Hammond meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Hammond was born in 1976. He is 48 years old and a resident of Greenville, South Carolina. Mr. Hammond provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Hammond.

Mr. Hammond 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. Hammond reported that he has made $19.66 in campaign expenditures for postage and fees for fingerprinting.

Mr. Hammond 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. Hammond 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. Hammond to be intelligent and knowledgeable.

Mr. Hammond reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Mr. Hammond reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Mr. Hammond did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Hammond did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Mr. Hammond 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. Hammond reported that he is not aware of any rating by any legal rating organizations.

Mr. Hammond reported that he has not served in the military.

Mr. Hammond reported that he has held the following public office:
I was previously employed as the County Director of Spartanburg County Department of Social Services from February 2017 to February 2018. Although this position was not an elected position, I believe that I was required to submit a report to the State Ethics Commission during my service in that position.

(6) Physical Health:
Mr. Hammond appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Hammond appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Hammond was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

(a) United States District Court for the District of South Carolina, Spartanburg, SC, 2001-2002, Law Clerk, Served as Judicial Law Clerk to the Honorable Margaret B. Seymour; drafted orders, opinions, and jury charges for civil and criminal matters before the United States District Court; prepared memoranda; assisted Judge with legal research; provided support to Judge during hearings and trials.
(b) Leatherwood Walker Todd & Mann, P.C., Greenville, SC, 2002-2004; 2005-2006, Attorney, Served as counsel to individuals and entities in legal matters related to products liability claims, premises liability claims, construction claims, and general business matters.
(c) Jackson Lewis, LLP, Greenville, SC, 2004-2005, Attorney, Served as counsel to entities in legal matters related to employment law claims and employee benefits claims.
(d) Ohio Casualty Group/Liberty Mutual Insurance Company, Greenville, SC, 2007-2008, Staff Attorney, Served as staff counsel to individuals and entities in legal matters related to

personal injury, premises liability claims, and construction claims; managed office administrative matters.

(e) Turner Padget Graham & Laney, P.A., Greenville, SC, 2008-2011, Attorney,

Served as counsel to individuals and entities in legal matters related to products liability claims, premises liability claims, construction claims, personal injury claims, and general business disputes.

(f) Weldon Hammond Law Firm, LLC, Greenville, SC, 2011-2015, Attorney/Owner

Served as counsel to individuals and entities in legal matters including domestic relations and general civil matters; managed administrative matters related to law practice.

(g) South Carolina Department of Social Services, Greenville, SC, 2015- 2017, County Attorney, Served as counsel for agency in abuse and neglect matters pending in Family Court; provided counsel to agency employees regarding legal matters pending before the Family Court.

(h) South Carolina Department of Social Services, Spartanburg, SC, 2017- 2018, County Director, Served as County Director for one of the largest offices of state agency responsible for administration of human services, economic services and emergency preparedness; managed daily operations of county office including personnel, fiscal, policy, compliance, and quality improvement matters; coordinated, promoted and maintained relationships with community partners and external stakeholders.

(i) Jonathan D. Hammond, Attorney at Law, Greenville, SC, 2018 - Present, Attorney, Serve as counsel to individuals and entities in legal matters including domestic relations and general civil matters; manage administrative matters related to law practice.

Mr. Hammond further reported regarding his experience with the Family Court practice area:

Since 2011, my experience in Family Court has included serving as lead counsel for parties in hundreds of actions involving divorce, equitable division of property, custody, adoption, abuse and neglect, termination of parental rights. I have had only limited involvement in juvenile justice actions since 2011, but I have had indirect involvement in such matters during my time as a County Attorney for Greenville County DSS. I

routinely represent individuals as plaintiffs and defendants in private domestic relations litigation. I previously have represented the Department of Social Services as a County Attorney prosecuting abuse and neglect matters. I currently represent Guardians ad Litem in abuse and neglect actions in three different counties in the Upstate. I regularly serve as a Guardian ad Litem for minor children in contested matters throughout the Upstate of South Carolina. I represent foster parents seeking adoption of children in DSS custody. I also represent individuals who are named as Defendants in actions filed by DSS and child protective services investigation conducted by DSS.

I regularly appear before the Family Court throughout the Upstate counties of South Carolina, such as Greenville, Spartanburg, Pickens, Anderson, Cherokee, Union and Laurens. I also occasionally appear in other counties throughout the State, such as York, Greenwood and Lancaster. I am comfortable handling all aspects of matters that take place in the Family Court. I believe I maintain a favorable reputation among the members of the bar and the Family Court Judges I encounter professionally and personally.

Mr. Hammond reported the frequency of his court appearances during the past five years as follows:
(a) Federal: 0%
(b) State: 100%

Mr. Hammond reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 2%;
(b) Criminal: 1%;
(c) Domestic: 97%;
(d) Other: 0%.

Mr. Hammond reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 99%;
(b) Number of cases that went to trial and resulted in a verdict: 30-40.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0.

(d) Number of cases settled after jury selection but prior to opening statements: 0.

Mr. Hammond provided that during the past five years he most often served as sole counsel.

The following is Mr. Hammond's account of his five most significant litigated matters:

(a) Stephanie Collins v Gary Collins, 2014-DR-04-2105. This divorce involved a dispute regarding the value and equitable division of significant marital assets. I represented Plaintiff, along with my former law partner. After multiple days of trial, the Family Court awarded my client nearly three quarters of a million dollars in funds as part of a division of assets, along with a significant attorney's fee award.

(b) John and Jane Smith v Candis Sheffield, Richard Matthews, SCDSS, 2021-DR-46-1671. This matter involved a consolidated private action and an underlying DSS removal Action of two minor children. I represented the foster parents of one of the children, who was in DSS custody. SCDSS was recommending a plan of reunification with the birth parents at the beginning of the litigation. After a multi-day contested trial, the Family Court terminated the parental rights of the birth parents, clearing the path for my clients to adopt the child.

(c) John Smith and Jane Smith v Devin Wilson, David Mize, SCDSS, 2022-DR-23-0255. This matter involved a contested action for termination of parental rights. I represented the foster parents of the child, who were seeking to adopt the child. The birth father contested the termination and sought to have the child returned to his custody. After a contested hearing, the Family Court terminated the parental rights of both birth parents, and my clients were able to proceed with adoption of the child.

(d) John Doe and Jane Doe v SCDSS, 2022-DR-23-2052. This matter involved competing petitions for adoption of twin siblings. I represented the foster parents of the children, who were seeking adoption. The maternal grandparents were also seeking adoption of the children. After a multi-day hearing, the Family Court granted my clients' petition to adopt the children.

(e) Ryan Wilson v Charli Goetze Cooper, 2022-DR-30-0296. This action involved a dispute for custody of two minor children between the biological parents. I represented the mother of the children. While the case was pending, my client got married and relocated to the State of Florida, thereby creating an additional burden for my client to maintain custody of the children. After several days of trial, the Family Court awarded primary custody of the children to my client.

The following is Mr. Hammond's account of three civil appeals he has personally handled:
(a) John and Jane Smith v SCDSS, Devin Wilson, David Mize, Appellate Case No. 2022-000595, TPR Affirmed 5/26/23
(b) John and Jane Smith v Candis Sheffield, Richard Matthews, SCDSS, Appellate Case No. 2023-000018, TPR Affirmed 12/5/23
(c) SCDSS v Jennifer Smith, Kemyel Robinson, Van James, Lauren James, Marcos Stephens, Jocelyn Stephens, Appellate Case No. 2023-000991 – Appeal pending

Mr. Hammond reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:
The Commission believes that Mr. Hammond's temperament would be excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Mr. Hammond 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: "Interviews revealed that those who work with him say he can be difficult to reach. Candidate did explain to this committee that he is responsible for court appearances in several counties each week. This is some explanation for our concerns. However, this committee is more concerned that the candidate chose not to appear for his in person interview and instead notified us by text that he would call in for the interview."

Mr. Hammond is married to Amanda Beth Hammond. He has one natural child and two stepchildren.

Mr. Hammond reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar Association – No titles or offices
(b) Greenville County Bar Association – No titles or offices

Mr. Hammond provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Pendleton Place Board of Directors (2019-2020)

Mr. Hammond further reported:

My legal career did not begin in the Family Court. In fact, I spent the beginning of my legal career working in larger law firms handling civil cases in the Court of Common Pleas and United States District Court. I was introduced to Family Court through an appointment for an indigent party in a DSS action when I was practicing with a larger law firm as an associate. Despite the difficulty of the case and the gravity of the situation, I felt drawn to Family Court in a way that made me realize I had a passion for being a Family Court practitioner. Since I transitioned into a near-exclusive Family Court practice, I have had the opportunity to work with highly qualified and distinguished attorneys and appear before some of the most dedicated and wise Judges in our State. I feel called to serve in the Family Court, and I believe I can continue to serve the citizens of my community and the State as a Judge of the Family Court. I am truly humbled to have an opportunity to seek a position as a Family Court Judge.

(11) Commission Members' Comments:
The Commission commented that Mr. Hammond enjoys a great reputation in the Family Court arena, and that his colleagues have said great things about his ability to serve as a Family Court judge, whether now or in the future. The Commission also noted that Mr. Hammond is bright and enthusiastic.

(12) Conclusion:
The Commission found Mr. Hammond qualified, and nominated him for election to Family Court, Thirteenth Judicial Circuit, Seat 6.

THURSDAY, JANUARY 16, 2025

Marcelo Torricos
Family Court, Thirteenth Judicial Circuit, Seat 6

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Thirteenth Judicial Circuit, Seat 6, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Torricos meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Torricos was born in 1988. He is 36 years old and a resident of Simpsonville, South Carolina. Mr. Torricos 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 2013.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Torricos.

Mr. Torricos 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. Torricos reported that he has made an estimated $530.06 in campaign expenditures for name badges, stationary, holiday cards, and postage.

Mr. Torricos 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. Torricos 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. Torricos to be intelligent and knowledgeable.

Mr. Torricos reported that he has taught the following law-related courses:
(a) 2022- The Greenville Bar Year End CLE- the topic of my presentation was a year-end update on criminal law. I updated the Greenville County Bar on all significant appellate court decisions from the calendar year 2021.
(b) 2023- The Greenville Bar Year End CLE- the topic of my presentation was a year-end update on family law. I updated the Greenville County Bar on all significate appellate court decisions from the calendar year 2022.
(c) 2023- Greenville Technical College "Law School for Non-Lawyers"- I taught the class the Family Law section of their curriculum.

Mr. Torricos reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Mr. Torricos did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Torricos did not indicate any evidence of a troubled financial status. Mr. Torricos has handled his financial affairs responsibly.

The Commission also noted that Mr. Torricos 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. Torricos reported the following regarding his rating by legal rating organizations:

(a) Greenville Business Magazine: Legal Elite
Family Law 2022- 2024
General Criminal 2018-2024
DUI Defense 2022- 2023

(b) Super Lawyers: Rising Star 2020-2024

(c) National Academy of Criminal Defense Attorneys: Top 10 SC Attorneys Under 40 2021-2023

(d) National Trial Lawyers: Top 100 in 2024, and Top 40 Under 40 in 2024.

Mr. Torricos reported that he has not served in the military.

Mr. Torricos reported that he has never held public office.

(6) Physical Health:
Mr. Torricos appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Torricos appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Torricos was admitted to the South Carolina Bar in 2013.

He gave the following account of his legal experience since graduation from law school:

(a) August 2013-August 2014: After graduating from law school, I began my legal career as a full-time law clerk to the Hon. Robin B. Stilwell in the Thirteenth Judicial Circuit. During my time as his law clerk, I helped manage his schedule, drafted orders, drafted responses to attorney correspondence, reviewed and summarized cases on either the motions docket or the trial docket, performed legal research and drafted memorandums, etc. During trials, I researched evidentiary questions and drafted necessary trial documents such as jury charges, verdict forms, etc.

(b) December 2014-Present- Upon the conclusion of my clerkship with Judge Stilwell, I was hired at Bannister, Wyatt, and Stalvey, LLC. Immediately upon my hire, I began working in the areas of criminal defense and Family Court litigation. As for my criminal practice, I have represented criminal defendants in both State and Federal Court. I have tried numerous criminal matters to verdict ranging from murder to driving under the influence. I estimate that on average, I managed or carried between 70 and 80 criminal cases on my personal docket at any given time since 2014. As for my domestic litigation practice, I have tried numerous domestic matters to verdict. I estimate that on average, I have managed or carried 30 domestic cases on my personal docket at any time since 2014. As a domestic attorney, I estimate that I have attended and participated in over 100 mediations. In both areas of practice, I've handled hundreds of pre-trial matters, motions, hearings, and trials. There was also a point in my career where there was substantial cross-over in my practice areas, criminal defense and domestic litigation, as I have represented clients in order of protection proceedings as well as a few clients in DJJ and DSS matters. I was named partner at the law firm in 2023. Soon after, I began to become heavily involved in the administrative management of the law firm, specifically in the areas of marketing and staff management. I have never been in charge of or deeply involved with the administration of the trust accounts at the law firm.

Mr. Torricos further reported regarding his experience with the Family Court practice area:

Over the past ten years, I have had the distinct pleasure of representing clients in essentially every area of Family Court practice. I have represented hundreds of individuals in the areas of divorce, separate maintenance and support, equitable division, child custody, child support, abuse and neglect, as well as juvenile justice. Over the past five years, I have appeared before numerous Family Courts in the State (mainly Greenville, Spartanburg, Anderson, and Oconee) on a weekly basis.

As to the area of divorce, I have handled numerous matters concerning the area of divorce, both as the sole issue/ cause of action in a case or in

conjunction with the other issues listed below. To the best of my knowledge, I have handled cases involving divorces based on all statutory grounds, minus the statutory ground of desertion. I also handled one annulment in 2018.

As to the area of equitable division, while in private practice I have dealt with the identification, valuation, and division of many different types of marital property, including real estate, automobiles, retirement accounts, investment accounts, stocks, stock options, restricted stock, insurance policies, capital loss carryovers, closely held businesses, professional practices, and personal property. In conjunction with property issues, I have also dealt with the identification and allocation of debt, including secured debts and unsecured debts, tax debts, and credit card debt. During my career, I have helped clients navigate the division of marital estates worth tens of millions of dollars to estates that were "underwater" and negatively consumed by debt. I've represented doctors, lawyers, executives of hospital systems, executives of international companies, as well as mechanics, schoolteachers, and stay at home parents.

As to adoptions, I have handled a few adoptions during my career. I handled a few in and around 2015-2016 and did not handle another adoption until 2023. In the 2023 case, I represented a client for the second time. The first time I represented him was in his divorce. After the divorce, his ex-wife died suddenly and left behind two children she shared with another man, not my client. My client had such a close relationship with his ex-stepchildren that upon their mother's death he adopted them and they're one happy family today. The final adoption hearing was one of the best moments of my time in private practice.

As to the area of abuse and neglect, essentially for the entirety of my career, I have practiced both family law and criminal defense. On numerous occasions, those two worlds came together when I would be hired to represent a criminal defendant on a domestic violence charge and, simultaneously, to defend that individual at an order of protection hearing or their divorce. Furthermore, there were dozens and dozens of occasions where allegations of abuse and neglect crept into divorce matters, some of which were fabricated by litigants to gain an advantage and some of which were legitimate claims of abuse. I believe that differentiating between the two is one of the hardest parts of my job. I have represented multiple adults who have been accused of abuse and neglect against children as well as parents who believed their child was being abused by the other party. The allegations in those cases ranged from sexual abuse to exposure to drugs to physical abuse and excessive

corporal punishment. My involvement in these cases has lasted as little as one hearing and as long as a year, ending at a final merits hearing.

As to the area of custody, I have represented hundreds of clients in custody actions. I have represented parents, relatives, and non-related third parties in custody actions. I have represented clients in interstate custody matters. I've dealt with custody matters as the sole or primary cause of action, as well as custody as an underlying cause of action in divorces. I have represented clients with children as young as two months and as old as 17 years old and on the verge of emancipation. Within custody matters, I have worked with many different individuals, including physicians, therapists, psychologists, custody evaluators, and other similar professionals.

In the area of juvenile justice, I would estimate that I have represented five (5) minors in criminal matters before the Family Court. I've represented minors in matters related to truancy, underaged alcohol possession, possession of a weapon on school grounds, and criminal sexual conduct on another minor.

Mr. Torricos reported the frequency of his court appearances during the past five years as follows:

(a) Federal: Less than 10 appearances, cumulatively over the past five years;
(b) State: 1-3 times per week.

Mr. Torricos reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

(a) Civil: 10%;
(b) Criminal: 40%;
(c) Domestic: 50%;
(d) Other: 0%.

Mr. Torricos reported the percentage of his practice in trial court during the past five years as follows:

(a) Percentage of practice, including cases that settled prior to trial: 95%;
(b) Number of cases that went to trial and resulted in a verdict: To the best of my memory, 23.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: To the best of my memory, 3.

(d) Number of cases settled after jury selection but prior to opening statements: I do not recall any.

Mr. Torricos provided that during the past five years he most often served as sole counsel.

The following is Mr. Torricos's account of his five most significant litigated matters:

(a) State v. Mello- This was a criminal case that had significant crossover into family law. My client (the Father) was charged with felony Custodial Interference after taking his child to Italy. Father's basis for the child's removal to Italy was that he believed that the child was being sexually abused by her Mother and another individual related to Mother. The State believed he left the United States to violate Mother's custodial rights. Father went to law enforcement, DSS, and the Family Court on a number of occasions to get help prior to resorting to leaving the United States, but it appeared that he could never gather enough evidence to substantiate his claim. Law enforcement investigated, as did DSS, but no charges or proceedings were ever initiated. Believing what he knew to be the truth (i.e. that his daughter was being repeatedly sexually abused), he left the United States for Italy to save his daughter. Once the child and client arrived in Italy, Mother, in the United States, instigated a federal Hague action for the re-patriation of the minor child back to the United States. Mother succeeded in her initial claim (note: the repatriation order was later vacated by the Italian Supreme Court) via the Hauge Convention of International Child Abduction Treaty and the child was returned to the United States. In and around this same time, Father was charged with Custodial Interference by the Greenville County Sheriff's Office.

Six months after the child is back living in the United States, Mother is brutally murdered in her home in Greer, SC. The child was at school at the time of the murder and Father was in Italy. Once Father learns about the murder, Father returns to the United States to reunite with daughter, but he is arrested upon arrival in Charlotte, NC on the Custodial Interference charge.

Naturally, after the murder of Mother, the Greenville County Sheriff's Office opened a homicide investigation. During the investigation, the

Sheriff's Office discovered thousands of homemade pictures and videos showing deceased Mother and another person sexually abusing the minor child. Despite this revelation, the State continued to prosecute Father for Custodial Interference.

Two and a half years later, the case proceeded to trial in General Sessions. The Custodial Interference statute has a few elements that the State must prove beyond a reasonable doubt. One of those elements is that the criminal defendant took the minor child from "the legal custodian" in violation of a Family Court order. The issue for the State at trial was that at the time Father removed the child from the United States, he was her sole legal custodian per his parties' last Family Court order. During the pendency of the case, there seemed to be a massive gap in the understanding of the implications of Father's Family Court order and its impact on the criminal prosecution between myself and the prosecution. It was my argument for years that the statute did not apply to my client and that he could not be criminally liable pursuant to the Custodial Interference statute because he was the child's only legal custodian, and you cannot interfere with your own custody. The State believed otherwise.

This case ended by way of a two-day jury trial in General Sessions wherein my client and I were granted a directed verdict. The Court agreed with me that the Custodial Interference statute did not apply to Father as he was the child's sole legal custodian at the time he departed the United States with the minor child.

This case, and the companion murder case, received national media attention. This matter is significant to me because (1) I successfully litigated the matter against a very experienced prosecutor, (2) it required months of preparation which is always healthy for a trial lawyer to stay sharp and (3) it allowed me to tap into my Family Court knowledge significantly. I feel like this case is the one case that most accurately embodies my career thus far…a mix of criminal and family law all wrapped up in one.

(b) Nichols v. Nichols- This was a divorce case wherein I represented the Husband, who was a highly successful physician. This case involved a complex division of marital assets as my client had a thriving medical practice with numerous locations in both South Carolina and North Carolina. The parties had multiple residences, an abundance of financial/investment accounts, and other significant assets which made this division very complex and difficult. There were issues related to enterprise goodwill versus

personal goodwill, which required extensive research and reliance on highly trained forensic accountants. Alimony was also a major issue. Ultimately this matter was settled after roughly 10 hours of mediation. Because the parties' children were emancipated, this case allowed me to solely sharpen my skills in the area of equitable division. The reason that I decided to include this case in my response to this question was because this case really fine-tuned my skills and knowledge in the area of equitable division. I felt like, and still do feel like, if you can successfully divide an estate like this, then you can handle almost anything.

(c) Applegate v. Applegate- This was an interstate modification of custody case wherein I represented Father. Father and Mother were parents to one, twelve-year-old son. The parties had been in and out of Family Court numerous times from 2015-2020. As a result of these cases, Father was granted, and maintained, sole custody of the minor child essentially for the entirety of the child's life. Several years prior to my representation, Father moved to New Jersey (and then later to Virginia) with the minor child. In 2022, Father is arrested for assault and battery on a minor child in Virginia. Mother filed an action to modify custody of the minor child based on Father's arrest and sought to have the child brought back to South Carolina and for custody to be awarded to her. We argued that his arrest was not a substantial change in circumstances despite the fact that the assault occurred on another minor due to what I believe were compelling surrounding circumstances.

This case ended after a two-day trial in Family Court, wherein my client was stripped of sole custody and the parties were awarded joint custody. The Court did grant Mother's request to allow the son to live in South Carolina primarily and granted Father extensive summer and holiday visitation.

Ultimately, I was not successful in maintaining my client's sole custody status and having the child returned to him in Virginia, but at the end of the day, I look back positively at this case for the challenges it presented to me and for the challenges I was able to overcome. I've handled several interstate custody cases, and they are never easy. They present challenges from a jurisdictional standpoint, they present challenges from a trial standpoint in terms of logistics, and they present challenges from an access to the client standpoint. Lastly, this case caused me to re-frame

what a "win" is at times. My client, admittedly, assaulted another minor child, yet he maintained joint custody of his child. At first, I felt like I "lost" this case, but now I view it differently and believe that I performed meaningful, high quality legal work to preserve my client's relationship with his child the best I could under the circumstances.

(d) Jridi v. Bahhur- This was another interstate custody action wherein I represented Mother who had relocated herself and her two daughters to Oklahoma, from South Carolina. Upon learning that my client had left South Carolina, Father filed an action seeking custody of the children and their return to South Carolina. We counterclaimed for custody and for an order allowing Mother to relocate the children to Oklahoma. Interestingly, the parties reached an agreement as to custody at mediation, which was the basis for the case in the first place. However, the issues of child support, uncovered medical expenses, and attorney's fees were left open. This case ultimately went to trial in Greenville County and my client was awarded more than favorable results.

The reason why I decided to include this case in my response is because this case allowed me to dive deep into child support. Many times, child support is a necessary, yet overlooked issue in divorces. By this I mean, most attorneys understand how to determine when child support is appropriate, how to calculate child support, and when it should terminate. However, many attorneys do not understand the "why" or the "how" of child support calculations. Yes, we use a uniform child support calculator, but why does the calculator function the way it does? What happens, mathematically, when we shift from Schedule A to Schedule C in the child support calculator? Why are healthcare premiums and work-related childcare costs credited to a parent at the percentage they are in the calculator? Those are all questions that I was able to do a deep dive on. This matter gave me a much better understanding of child support.

(e) Drew v. Drew- The parties were divorced in North Carolina in 2015. According to my client (Mother/Wife) and several orders from North Carolina, Father/Husband appeared to be abusive and volatile. After the divorce, Mother was given primary custody of their two daughters and eventually moved to South Carolina. For many years, Father chose not to visit the children and then all of the sudden in 2019, he began asking for visitations. My client began presenting the children for visitation, but the visitations were a disaster. Father spent more time berating and threatening Mother than spending time with the children. Wisely, my client caught

> most of these interactions on video. The sound of the two little girls crying and begging their Father to stop slamming his hands on the car window and threatening their Mom will never leave my mind. Mother ultimately filed an action to suspend Father's visitation. The matter went to trial in Greenville and Father's visitation rights were indefinitely suspended, on a final basis, until he could complete services such as anger management and psychological treatment.

The reason I include this case in my response is because recently, I attended a high school graduation in downtown Greenville. I estimate that there were 3,000 people there. After graduation, I was waiting outside for some family members to exit the venue, when out of nowhere, my former client taps me on the shoulder, says hello, and gives me a hug. She found me in this huge crowd of people. She told me that her oldest daughter had just graduated and that she was doing great. Her daughter was thirteen years old when I represented Mother and it was wild to me that much time had passed. Before parting ways, my client looked me straight in the eyes, thanked me for my representation, and told me that I saved her daughters' lives and that her daughter would not be doing all of the amazing things she is doing if she were exposed to her father the way Father wanted. She stated that Father never even attempted to complete the services as ordered by the Court and abandoned the girls after the trial. Should I be elected, I'll miss getting that response from clients.

The following is Mr. Torricos's account of three civil appeals he has personally handled:

(a) Marcelo Torricos, as Trustee for the John W. Beeson Trust FBO James H. Beeson Trust v. Greenville County Planning Commission (Case No.: 2022-CP-23-04704) (Appellate Case No.: 2023-000699). Originally appealed from the Planning Commission to Circuit Court and then later, to the South Carolina Court of Appeals. Prior to oral argument and a ruling from the Court of Appeals, the Parties reached a settlement agreement, and the appeal was dismissed and remanded back to Circuit Court.

(b) Terrence "Terry" Carroll v. Debra Mowery, et al. (Appellate Case No. 2020-000396). This was an appeal from the Master in Equity to the South Carolina Court of Appeals. The date of decision was July 16, 2023, and it was not published. The Unpublished Opinion No. is 2023-UP-274.

(c) Brandon Hood v. Hannah Newton (Case No.: 2022-CP-42-01715). This was an appeal from the Spartanburg County Magistrate to the

Circuit Court. Judge Mark Hayes ruled on the Appeal on 1/5/2023 by way of a Form 4 order. There is no citation.

The following is Mr. Torricos's account of two criminal appeals he has personally handled:
(a) The State of South Carolina v. John J. Mello (Appellate Case No.:2022-GS-23-02160). This was a criminal appeal initiated by the State, from the Circuit Court to the South Carolina Court of Appeals. I worked this appeal in conjunction with the Appellate Defenders Office. There was no decision or citation as the State withdrew its appeal roughly eight (8) months into the appeal.
(b) The State of South Carolina v. Elizabeth C. Edwards (Case No. 2023-CP-23-02686). This was an appeal of a DUI dismissal initiated by the State from the Magistrate to the Circuit Court. Judge Perry Gravely ruled on the appeal on 9/5/2023 by way of a Form 4 order. There is no citation.

(9) Judicial Temperament:
The Commission believes that Mr. Torricos's temperament would be excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Mr. Torricos to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary comments.

Mr. Torricos is married to Joyce Carol Torricos. He has two children.

Mr. Torricos reported that he was a member of the following Bar and professional associations:
(a) Greenville Bar Association
(b) Greenville Area Criminal Defense Lawyers Association
(c) South Carolina Association of Justice
(d) National Association of Criminal Defense Lawyers
(e) South Carolina Bar Association

Mr. Torricos provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Advent United Methodist Church, Member and Member of the Finance Board
(b) Upstate Mediation Center, Board Member
(c) Fall for Greenville, Board Member

Mr. Torricos further reported:

Over the past decade I have been very intentional about the practice areas I decided to practice in, the cases that I took, and the strategies that I employed, all in preparation to one day be in a position to run for a seat on the bench. I believe that in my ten (10) years of practice, I have handled a large scope and volume of cases, both on the Family Court side and the criminal defense side, that have put me in a position where I believe I will be comfortable on the Family Court bench, with any subject matter, day one. That is not to say, that I do not have a lot to learn, because I do, all new judges do. However, I simply believe that I am built for this. The way I reason, the way I think, the way I make decisions, has all been molded by some of the best mentors a young lawyer could have asked for, from a sitting Supreme Court Justice, to board certified trial lawyers, I've learned from the best.
I also believe that my language skills and fluency in Spanish would highly benefit citizens beyond the Thirteenth Judicial Circuit. I was born in one of the poorest countries in Latin America and the United States, and more specifically, the State of South Carolina, have given me opportunities other people dream of. I owe it to this State and its people. Service on the bench is an attempt to pay it back. I earnestly believe that we live in the greatest country in the history of mankind, and we have created a judicial system, unparalleled to any other ever seen, and I want to play a bigger part in that. I am ready.

(11) Commission Members' Comments:
The Commission commented that Mr. Torricos has significant experience in all Family Court areas of the law. In addition, his Spanish fluency would be an asset to the bench

(12) Conclusion:
The Commission found Mr. Torricos qualified, and nominated him for election to Family Court, Thirteenth Judicial Circuit, Seat 6.

THURSDAY, JANUARY 16, 2025

The Honorable Gerald C. Smoak Jr.
Family Court, Fourteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Smoak meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Smoak was born in 1959. He is 65 years old and a resident of Walterboro, South Carolina. Judge Smoak provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1983.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Smoak.

Judge Smoak demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Smoak reported that he has not made any campaign expenditures.

Judge Smoak testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Smoak e 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 to be intelligent and knowledgeable.

Judge Smoak reported that he has taught the following law-related courses:

(a) I taught the following paralegal courses for Technical College of the Lowcountry:

Estates
Family Law
Legal Bibliography
Litigation
Torts

(b) I was on the panel for discussion at South Carolina Family Court Bench/Bar Conference, December 3, 1999.
(c) I have lectured at the local high school.
(d) Appeared at career day at the local high school.
(e) I spoke at the Child Abuse Prevention Rally in Colleton County.

Judge Smoak reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Smoak did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Smoak did not indicate any evidence of a troubled financial status. Judge Smoak has handled his financial affairs responsibly.

The Commission also noted that Judge Smoak was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Smoak reported that he is not rated by any legal rating organization.

Judge Smoak reported that he has not served in the military.

Judge Smoak reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Smoak appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Smoak appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Smoak was admitted to the South Carolina Bar in 1983.

He gave the following account of his legal experience since graduation from law school:

(a) 1983 - Law Clerk for Honorable William T. Howell.
(b) 1984 to 1995 - General practice with majority of work in Family Court.
(c) 1984 to 1993 and 1995 - Prosecutor for child abuse and neglect cases for the Department Social Services.
(d) 1984 to1995 - Public Defender for the City of Walterboro.
(e) 1993 to 1995 - Conflict Attorney for Colleton County Public Defender, including Juveniles.
(f) 1995 to present - Family Court Judge, Fourteenth Judicial Circuit, Seat #1.

Judge Smoak reported that he has held the following judicial office(s): Family Court Judge, 1995 to present, Fourteenth Judicial Circuit, Seat #1. This court was created by statute.

Judge Smoak provided the following list of his most significant orders or opinions:

(a) Couch v. Couch, U.P. No 2015-UP-045
(b) Shannon v. Shannon, 578 S.E. 2d 753
(c) Tefft vs. Tefft, U.P No. 2011-UP-096
(d) Hawkins vs. Hawkins, U.P No 2010-UP-510
(e) SCDSS VS. Tyesha R.H., Tyrone D. Johnnie Lee R, of whom Tyesha H. is the Appellant, in the interest of two minor children under the age of eighteen, U.P. No. 2011-UP-408

Judge Smoak further reported the following regarding unsuccessful candidacies:

1994 candidate for Judicial Circuit Family Court Seat #2.

(9) Judicial Temperament:
The Commission believes that Judge Smoak's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Smoak 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: "Very experienced, great demeanor, patient, excellent judge."

Judge is married to Elizabeth Thompson Smoak. He has two children.

Judge Smoak reported that he was a member of the following Bar and professional associations:
(a) SC Bar
(b) Colleton County Bar
(c) SC Family Court Judges Association

Judge Smoak provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Former Member Jaycees
(b) Former Sertoma Member
(c) Assistant Baseball Coach, Colleton County Recreation Commission, 1992-2002
(d) Member of the Colleton Preparatory Academy School Board, 1998-2006
(e) Member of the Bethel United Methodist Church
(f) Former Member of the Governor's Youth Council
(g) Judge for the National High School Mock Trial Championship
(h) Lectured to the guardian ad litem program for the 14th Judicial Circuit
(i) Drug Court Judge for the Fourteenth Judicial Circuit
(j) Lectured at high school

Judge Smoak further reported:

I have lived in the small town of Walterboro all my life. I have been married for 39 years. My pride and joy are my 37year old son who is a Mechanical Engineer and my 30 year old daughter who is a nurse. I practiced law in Walterboro with my father for twelve years before going on the bench. I learned early that you treat people the same way you would want to be treated. I am the product of divorced parents whom I loved very much. I feel the small town I live in has given me small town values. I believe my background helps me when dealing with family law matters. I enjoy my job and my family. I believe I have been and continue to be a fair and patient Judge who understands that family law matters.

(11) Commission Members' Comments:
The Commission found that Judge Smoak demonstrated the highest standards for serving on the Family Court. They commended his temperament, his calm and reassuring manner of conducting proceedings, and his dedication to public service.

(12) Conclusion:
The Commission found Judge Smoak qualified, and nominated him for re-election to Family Court, Fourteenth Judicial Circuit, Seat 1.

The Honorable Jan B. Bromell Holmes
Family Court, Fifteenth Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Holmes meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Holmes was born in 1970. She is 54 years old and a resident of Georgetown, South Carolina. Judge 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 Holmes.

Judge 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 Holmes reported that she has not made any campaign expenditures.

Judge 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 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 Holmes to be intelligent and knowledgeable.

Judge 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, 2023 and 2024.
(b) I have presented in the 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2021 and 2023 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 Holmes reported that she has published the following:
(a) I have prepared written materials for seminars of which I have presented.
(b) Family Court Bench/Bar Best Practices Manual for South Carolina Department of Social Services Abuse and Neglect Cases. As Board Member assisted in editing the manual prior to distribution for use in DSS Abuse and Neglect cases.

(4) Character:
The Commission's investigation of Judge Holmes did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Holmes did not indicate any evidence of a troubled financial status. Judge Holmes has handled her financial affairs responsibly.

The Commission also noted that Judge 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 Holmes reported that she does not recall being rated by any legal rating organization.

Judge Holmes reported that she has not served in the military.

Judge Holmes reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Holmes appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Holmes appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge 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. I had no administrative or financial duties.
(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. I was responsible for administrative and financial duties.
(c) Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007 and working continuously since.
(d) Appointed to sit as Acting Justice on the South Carolina Supreme Court by Chief Justice Donald W. Beatty to hear and dispose of cases on November 15, 2017, December 14, 2022, April 20, 2023, October 3, 2023 and May 21, 2024. I reviewed the record of appeal, appellant and respondent briefs, heard oral arguments and determined along with all other justices the outcome of cases scheduled on the particular days.
(e) Appointed to sit as Acting Judge of South Carolina Court of Appeals by Chief Justice Donald W. Beatty beginning July 1, 2023 to December 31, 2023.

Judge Holmes reported that she has held the following judicial office(s):

(a) Elected as Family Court Judge Seat 1, Fifteenth Judicial Circuit on February 7, 2007. Began work July 2, 2007, Re-elected February, 2013, February 2019 and working continuously since.

(b) Appointed to sit as Acting Justice on the South Carolina Supreme Court by Chief Justice Donald W. Beatty to hear and dispose of cases on November 15, 2017, December 14, 2022, April 20, 2023, October 3, 2023 and May 21, 2024. I reviewed the record of appeal, appellant and respondent briefs, heard oral arguments and determined along with all other justices the outcome of cases scheduled on the particular days.

(c) Appointed to sit as Acting Judge of South Carolina Court of Appeals by Chief Justice Donald W. Beatty beginning July 1, 2023 to December 31, 2023. I researched case law, wrote bench memos, authored opinions, addressed various motions, reviewed the record of appeal, appellant and respondent briefs, heard oral arguments and determined along with 2 other panel members the outcome of cases.

Judge Holmes provided the following list of her most significant orders or opinions:

(a) High v. High, 697 S.E.2d 690 (S.C. Court of Appeals) Decided 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. a juvenile under the age of seventeen, 692 S.E.2d 569 (S.C. Court of Appeals) Decided 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, 392 S.C. 412 (2011), 709 S.E.2d 666 Decided 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, 747 S.E.2d 774 (S.C. Sup. Ct. decided 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 Holmes reported no other employment while serving as a judge.

Judge Holmes further reported the following regarding unsuccessful candidacies:
2022 Judicial Merit Selection Commission Screening, Court of Appeals, Seat 2 and 2023 Judicial Merit Selection Commission Screening, Court of Appeals, Seat 9.

(9) Judicial Temperament:
The Commission believes that Judge Holmes's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Holmes to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative

criteria of constitutional qualifications, physical health, and mental stability. The Committee had no summary or related comments.

Judge Holmes is married to Cleveland Bernard Holmes. She has two children.

Judge Holmes reported that she was a member of the following Bar and professional associations:
(a) South Carolina Supreme Court Commission on Continuing Legal Education and Specialization (July, 2024-)
(b) Commission on South Carolina Conference of Family Court Judges (President, 2022-2023, Vice President, 2021-2022) and (Secretary/Treasurer, 2020-2021)
(c) Family Court Advisory Committee (2020-Present)
(d) South Carolina Bar Association (1997-Present)
(e) Georgetown County Bar Association (1997-Present)
(f) Coastal Women Lawyers (g) South Carolina Bar Pro Bono Board (Past Member)
(h) Coastal Inn of Court (2017-Present)
(i)South Carolina Family Court Inn of Court (2021-Present)
(j)Family Court Bench/Bar (2009-2017)

Judge Holmes provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) (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 Holmes further reported:
I have come into contact with thousands of people over the past seventeen years as a Family Court Judge as well as the preceding twelve years prior to my judgeship as an attorney. I have presided over 21,000 cases as a Family Court Judge. 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 continue serving proficiently and efficiently as a Family Court Judge.

(11) Commission Members' Comments:
Two affidavits were filed against Judge Holmes by the following complainants: Michelle Capps; and Haley Kathryn Capps and Emily Capps. Additionally, Michelle Capps and Emily Capps provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavits, and any accompanying documents provided from the complainants, as well as a written response and oral testimony from Judge Holmes. After careful consideration of the testimonies, complaints, response, and accompanying documents, the Commission does not find a failing on the part of Judge Holmes in the nine evaluative criteria.

The Commission commented that Judge Holmes has an excellent reputation as a knowledgeable Family Court judge who rules with justice and compassion. The Commission also commended her on her service to her community.

(12) Conclusion:
The Commission found Judge Holmes qualified and nominated her for re-election to Family Court, Fifteenth Judicial Circuit, Seat 1.

The Honorable David G. Guyton
Family Court, Sixteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Guyton meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Guyton was born in 1961. He is 63 years old and a resident of Rock Hill, South Carolina. Judge Guyton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Guyton.

Judge Guyton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Guyton reported that he has not made any campaign expenditures.

Judge Guyton testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Guyton testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Guyton to be intelligent and knowledgeable.

Judge Guyton reported that he has taught the following law-related courses:
(a) I drafted materials and presented them at a session of the December 2011 Family Court Bench/Bar focusing on military issues relating to Family Court practice.
(b) I was a judicial panel member at the 2012 CLE What Family Court Judges want you to know.
(c) I presented materials and lectured on The Military Parents Equal Protection Act and other topics at the August 2011 SC JAG Conference.

(d) I was a panel member for the 2012 Color of Justice presentation in Rock Hill, SC

(e) I have taught local clerk of court office personnel courtroom procedure and evidence.

(f) I meet with and teach a local guardian ad litem group at least twice per year to update case law and answer their questions.

(g) I have organized military justice training to SCNG Judge Advocates and Administrative Officers on several occasions through the years.

(h) I organized and conducted Military Support to Civilian Authorities training; presented my materials by lecture and provided each attendee a tool kit CD for reference and practical application.

(i)I made a presentation to the Municipal Court Administration Association as a City Court Judge on diffusing hostility.

(k) I presented legal tips for unemployed Veterans at an HR Boot Camp.

(l)I wrote a paper on the judicial perspective of Family Court Judges at Order of Protection hearings and lectured on that topic to Victim Advocates to train them on how to better prepare domestic violence victims for their hearing. I also prepared a sample script for victims use in preparing for the hearing. I gave permission for it to be disseminated statewide among victim advocate groups and legal services.

(m) I spoke to the Judge Advocates at Ft. Jackson, South Carolina, concerning Family Court and military related issues.

(n) I lectured at a statewide Department of Juvenile Justice education conference on the judicial perspective on issues in juvenile court

(o) I have been a panel member and a guest lecturer at the annual Public Defender's conference.

(p) I have made presentations at the state School Resource Officers conference on juvenile and education issues in Family Court.

(q) I have made presentations almost annually to Rock Hill School District personnel and York County school resource officers.

(r) I was a panel member on the CLE Top Ten Mistakes Attorneys Make in Family Court.

(s) I made a presentation and sat as a judicial panel member at the York County Bar Association CLE in January 2018.

(t)I presided over private school moot court competition at the Moss Justice Center in York and provided evaluation and feedback.

(u) I have made two presentations to Judge Advocates and Military Judges of Colombia, South America, once in Colombia, and once in South Carolina, as part of the State Partnership Program in the National Guard.

(v) I made presentations to the Family Court Judges at our annual conferences on the Interstate Compact for Juveniles and the Status Offender Task Force.
(w) I have presented to the Family Court Judges at our annual conference on ethical issues concerning what Judges should and should not do using reports from the NCSC Center for Judicial Ethics.
(x) I have made presentations on Family Court to York Technical College as part of the SC Bar Law School for Non-Lawyer courses.
(aa) I make 2 presentations per year on child support to the Fatherhood Project.

Judge Guyton reported that he has published the following:
The Military Parent Equal Protection Act, South Carolina Lawyer Magazine March 2012, co-authored with COL (Ret) Barry Bernstein.

(4) Character:
The Commission's investigation of Judge Guyton did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Guyton did not indicate any evidence of a troubled financial status. Judge Guyton has handled his financial affairs responsibly.

The Commission also noted that Judge Guyton was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Guyton reported the following regarding his rating or membership status with a legal rating organization:
I believe my last available rating from Martindale-Hubbell was BV. I attempted to check their website but was unable to obtain any rating. They do have me listed as a Judge. I do not believe I ever had any negative ratings in the years that I practiced.

Judge Guyton reported the following military service:
I was commissioned a 2LT in the United States Marine Corps in Aug 1985. I served active duty in the United States Marine Corps October 01, 1988 to October 01, 1991. I was discharged a Captain with an Honorable Discharge as a Captain and Gulf War Veteran upon completion of my

term of service. I served in the SC Army National Guard from March 1992 until retiring in August 2017, with an Honorary Discharge, at the rank of Colonel, with an honorary promotion to Brigadier General. I previously served in the positions of State Staff Judge Advocate, Military Judge, Trial Counsel, Defense Counsel and SJA for the 263 AAMDC, the 228 Signal Brigade, and Joint Force Headquarters. I am attaching my DD214 which reflects my USMC active duty. I will not receive an updated DD214 from the SCARNG, but I did receive and attach my Da Form 4037 from 2015. I began receiving retirement pay at age 60, June 04, 2021. I am also attaching a program from my retirement ceremony August 6, 2017, which includes a military biography, and for which I give my permission to publish if the JMSC desires.

Judge Guyton reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Guyton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Guyton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Guyton was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) Oct 1, 1988 to Oct 1, 1991, United States Marine Corps. I served as a Trial Counsel prosecuting military Courts-Martial and as a Deputy Staff Judge Advocate at Camp Pendleton, CA, and while deployed to Saudi Arabia during Desert Shield/Desert Storm.

(b) Oct 1991 to March 2009 private law practice. I joined Harrelson and Hayes law firm in Oct 1992, as an associate. I became partner in 1996, and the firm became Harrelson, Hayes, and Guyton. My primary area of practice was Family Court including Divorce, legal separations, child custody, child support, alimony, and equitable division of property and debt, simple adoptions, guardian ad litem work,

termination of parental rights, juvenile defense, SCDSS defense, Foster Care Review Boards, domestic violence, name changes, annulments, common law marriage, and almost anything associated with Family Court. I also handled real estate closings, simple estate planning and probate, criminal defense, landlord-tenant, personal injury and contract law. Family Court was probably 75% of my practice and all other areas totaled 25%. I was a trial lawyer, often going to court several times a week, including Family Court, General Sessions, Probate, Masters-in Equity, and city and county magistrate courts. My secretary and I handled the trust funds for my clients as part of the law firm's trust account, but I considered Hugh Harrelson as the primary financial management partner. I do not recall ever having any trust account issues.

(c) 1991-2009 Associate City Court Judge for the City of Rock Hill. I presided over bench trials, jury trials, and set bonds. This was part time, usually only a few hours each month to help the City handle its docket, and primarily in evening hours. One evening, another Judge and I handled over 200 cases on the docket. I was paid per hour as an independent contractor, not as a City employee. It certainly helped prepare me for a Family Court Judge position. I was not responsible for handling funds and never did so.

(d) Oct 1992 to August 2017 Judge Advocate in the SC Army National Guard. I served as a Trial Counsel and Defense Counsel for military Courts-Martial and administrative separation proceedings, Staff Judge Advocate for several different units and for the entire state. I also served as a South Carolina Military Judge under the SC Code of Military Justice, which carries the same authority as a state circuit court judge by statute. I had a lot of administrative duties but they did not include financial responsibilities.

Judge Guyton reported that he has held the following judicial office(s):

(a) Associate City Court Judge for the City of Rock Hill 1999 to 2009. This was part time for several hours per month, primarily for night court. The jurisdiction was for city criminal and traffic offenses for up to 30 days in jail or $500 fine, and as otherwise allowed by statute, such as DUI third which allowed 90 days incarceration. City Court did not

involve civil matters. I was appointed by Municipal Court Judge Jane P. Modla, confirmed by City Council, and reaffirmed by City Council until I assumed my Family Court Judicial position.

(b) Military Judge for the State of South Carolina Military Department, May 2007 through Dec 2010. This was an appointed duty by The Adjutant General of the State of South Carolina, MG Stanhope Spears at the time. The position carries the authority of a SC Circuit Court Judge by statute. I was compensated by my normal National Guard drill pay and did not receive extra compensation for holding that position. I presided over Special Courts-Martial for the National Guard under the SC Code of Military Justice, and could impose incarceration, fines, reduction in rank, and a Bad Conduct Discharge. It was a state court, not a federal court.

(c) Family Court Judge for the Sixteenth Judicial Circuit, Seat 2 (York County). I was elected February 3, 2010, to serve the unexpired term of retiring Judge Henry T. Woods. I was sworn in April 16, 2010. I was re-elected to the same position on January 30, 2013. I handle Divorces, separations, child custody and visitation, alimony, equitable distribution of marital property and marital debt, child support, adoptions, termination of parental rights, name changes, SC Department of Social Services child abuse and neglect cases, SCDSS vulnerable adult cases, Juvenile Court for minors who commit crimes and status offenses, Truancy Court, Protection From Domestic Abuse Act hearings, bench warrants for failure to pay child support, Rules to Show Cause hearings for private actions, Clerk's rules, and SCDSS child support enforcement division, annulments, common law marriages, and paternity actions. I also preside over a Juvenile Drug Court held weekly for juvenile offenders upon which successful completion results in expungement of their charges. The jurisdiction of Family Court is by statutory authority primarily set forth in Titles 20 and 63 of the South Carolina Code of Laws.

Judge Guyton provided the following list of his most significant orders or opinions:

Although I have had at least one case appealed and upheld, which I will note below, I have not had any appellate decisions which changed the common law of South Carolina. I do believe every case in Family Court is potentially life changing, especially for a child. It is an incredible daily burden which I do not take lightly. Some of my significant cases are:

(a) Every December on the last day of court I hold an adoption day, and we schedule 10 to 15 uncontested adoptions, so that families can walk away with an Adoption Decree before the end of the calendar year, and a very special Christmas. It is one of those rare days in Family Court where everyone leaves the courtroom smiling and happy. In 2018 we actually had to schedule two days to hear all the requested adoptions. Each case has its own special story. My most significant adoption this year was for a 13 year old named Tony, who had been an abused child in DSS care and custody for years. He had significant behavioral problems and special needs, such that he had been in eighteen different foster care homes before he was placed with a family who finally refused to give up on him, even when he challenged them over and over again to test their commitment to him. After almost 3 years with this family, Tony knew they loved him so much they would never give up on him, and they adopted him into their permanent home. If desired you can find this and other adoption stories from that day in the December 21, 2018, edition of The Herald, our local Rock Hill newspaper, online at Heraldonline.com.

(b) I had a 4-day trial in which the primary issue was custody of a 6-year-old autistic child who may also be on the lower end of the autism spectrum. I was a visiting Judge in that jurisdiction. The case was 3 years old when we started the final hearing set for 2 days. After starting the trial it was obvious it would take more than 2 days. Instead of continuing the case and re-scheduling for trial at a later date, I informed the litigants we would try the case and find a way to get it completed. Although counsel for both parents were competent and courteous, it was an extremely contentious trial. After two days we used a Friday afternoon in which we normally do not schedule hearings, and then traveled to my courtroom the following Monday during a chambers week and held court until the case was finished. I am not describing this case to brag on the extra effort to get it

completed, but to show how important it is to move cases along in a timely manner, especially with children involved. This child was three years old when the case began. He was now six and needed permanency and stability in his life. I awarded custody to the father, who in a subsequent year sent me letters and pictures of his son who thrived physically, emotionally, and educationally, after placement with his father in another state. It was one of those cases when as a Judge, I felt vindicated by my decision.

(c) I hold juvenile drug court on Tuesday afternoons when my docket is in Rock Hill. This is a program for juveniles who plead guilty to substance abuse or other crimes an opportunity to move through several phases and numerous requirements with their families and, if successful, have the charge(s) expunged. They are tested for drugs weekly, do community service hours, have weekly homework assignments, and attend counseling sessions for issues such as conflict resolution. I do not get paid any extra for this time, and the court is held after the scheduled docket. I estimate a little more than 50% graduation rate, and the program takes about a year or longer to complete. I get to speak at their graduation, and hear from the juvenile and his or her parents or guardians. Parents often thank me and our program staff for saving the life of their child and giving them their family back. The tearful gratitude is deeply satisfying, and it is with great pride that I get to sign their expungement orders and leave them with a new start and the tools to be successful. The fact that the program is successful, that we are changing the lives of these kids and their families, and that we are saving taxpayer money in doing so, is very significant to me as a Family Court Judge.

(d) Conits v Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016) I was upheld on equitable distribution concerning approximately 48 parcels or real property, businesses, and other significant assets worth several million dollars. This was a two-day trial, and fortunately the attorneys did an excellent job stipulating many of the exhibits and presenting only relevant testimony, as it could have easily been a weeklong trial. The case resulted in several boxes of material for review. Recently the case was appealed again concerning a large parcel of property overseas, reversed and

remanded, and then reversed again to keep the original decision in place. This case taught me the importance of proper marking of exhibits, admission as evidence, the value of good trial attorneys, and a clear record for possible review by appellate courts. The case was once again appealed and then reversed on the valuation of one piece of overseas property, and was remanded for equitable distribution. I understand it was finally settled.

(e) Some of the simple cases, compared to a multi-million-dollar division of property, are the most significant. A few years ago I heard a case in which an elderly black man, represented by South Carolina Legal Services, was seeking a birth certificate to change his name. He had always been known by a particular name, and had all his records in that name, but when he got a copy of his birth certificate, it had no first name listed. He needed a birth certificate with his full name to prove he was who he said he was when trying to get benefits. When he testified, it was obvious by his dress and speech that he had little education, and was a simple man of few means. However, his quiet and humble testimony proved to me he was credible, and really wasn't seeking the birth certificate for monetary reasons, but so that he could have an official document that proved who he was, and that he had a name. He could never have gotten through the process pro se, and he did not have the ability to hire an attorney, so Legal Services representation was essential to getting a correct birth certificate and name. When I announced the finding on the record that his known name was official and legal, and that he would get a new birth certificate, his wide grin through some missing teeth, and his constant thank you to me and his counsel, was incredibly gratifying. What was a short and simple hearing on my docket that day, was the most significant event in his life in a long time.

Judge Guyton reported the following regarding his employment while serving as a judge:

I have been a Judge Advocate for the South Carolina Army National Guard since March 1992 when I joined as a Captain through my retirement in August 2017 as a Colonel. My supervisor was State Judge Advocate Barry Bernstein until he retired and I replaced him in that

position on M-Day (drill) status. My supervisor then became MG Robert Livingston, The Adjutant General of the SC National Guard. My former supervisors have included Justice James Lockemy (retired COL) and Vic Rawl (retired LTC). My duties included Trial Counsel, Defense Counsel, Military Judge, legal assistance, and Command SJA for 263 AAMDC, 228th Signal Brigade, and Joint Force Headquarters.

(9) Judicial Temperament:
The Commission believes that Judge Guyton's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Piedmont Citizens Committee on Judicial Qualifications found Judge Guyton to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee commented: "Judge Guyton has served our State with distinction for some time. He continues to exhibit the professionalism, humility and diligence that make him a well-regarded Family Court judge."

Judge Guyton is married to Crystal Renee Fickling Guyton. He has two children.

Judge Guyton reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar Association since 1988. Member of Military Law Section and Family Law Section. Pro Bono program volunteer and legal assistance to military personnel volunteer prior to becoming a Judge.
(b) York County Bar Association since 1992. Past Secretary, Treasurer, and President (1996).
(c) American Bar Association since 1988
(d) SC Summary Court Judges Association from 1999 until elected to Family Court in 2010.
(e) Commission on Lawyer Conduct for over 10 years until elected Family Court Judge in 2010.
(f) Commission on Judicial Conduct from 2010 through the current date.

(g) Appointed to the Family Court Judges Advisory Committee by Chief Justice Donald W. Beatty on December 11, 2017. Appointed Chairman in 2022 and still serving as Chairman.

Judge Guyton provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Charter member of the Marine Corps League Olde English Leathernecks Detachment since 2002. Served as Judge Advocate for the Det. ten years. Received several Outstanding Marine Awards and The Four Chaplains Award
(b) Life Member of VFW Post 2889 since early 1990s. Life member. Served as Judge Advocate 15 years or more.
(c) Member American Legion Frank Roach Post 34 in Rock Hill since 1992.
(d) Member of the York County Veterans Advisory Council since 1993. I have served as the Master of Ceremonies for our annual York County Memorial Day Ceremony for 25 years.
(e) Former member and Treasurer Rock Hill School District Education Foundation member
(f) Kiwanis Club of Rock Hill over 20 years. Past President. Terrific Kids program, past coordinator and current volunteer.
(g) Charter member Rolling in Rock Hill program and 15-year volunteer, painting the homes of poor and disabled.
(h) Churches include Northside Baptist, Oakland Baptist, North Rock Hill Church, Elevation, Newspring, and LifePointe. Ordained Deacon.
(i)Former Auxillary Probation Officer through the SC Department of Juvenile Justice.
(j)Former Weblos Scout Den Leader
(k) Bethel Men's Shelter volunteer through the F3 (Fitness, Fellowship, and Faith) men's workout group.

Judge Guyton further reported:
I feel that I am a good Judge because of my prior extensive community service activities, many of which revolved around the best interests of children. I was born and raised in the community I have served all my life either personally or professionally. I am embedded and invested in the families of my county and this state. I believe my current physical fitness regimen of 5 to 6 days per week helps me keep my life in balance, and reduces the heavy stress of the Family Court caseload and subject matter. I have always had, and still have, a strong family support network based upon high moral values, to remind me of the importance of

keeping families together when possible, and if not, to provide a way to move forward with the least harm. My thirty-two years of military experience has instilled in me a work ethic and discipline which I have found invaluable as a Judge. Finally, because of my family values, I have attended church my entire life. The locations and types of worship have changed, but my spiritual faith has been the foundation for the rest of my life, and the forgiveness I receive from God is a constant reminder that no one is perfect, and that I need to remember that every day I am on the bench.

(11) Commission Members' Comments:
The Commission thanked Judge Guyton for his many years of dedicated service to the State. They noted his excellent reputation as a firm, but fair jurist. The Commission believes his skilled intellect, moral compass, and humble nature have added to his success as a Family Court judge.

(12) Conclusion:
The Commission found Judge Guyton qualified, and nominated him for re-election to Family Court, Sixteenth Judicial Circuit, Seat 2.

The Honorable Kimaka "Kim" Nichols-Graham
Family Court, At-Large, Seat 1

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Nichols-Graham meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Nichols-Graham was born in 1972. She is 52 years old and a resident of Greenville, South Carolina. Judge Nichols-Graham provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Nichols-Graham.

Judge Nichols-Graham demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Nichols-Graham reported that she has not made any campaign expenditures.

Judge Nichols-Graham testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Nichols-Graham testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Nichols-Graham to be intelligent and knowledgeable.

Judge Nichols-Graham reported that she has taught the following law-related courses:

(a) I presented a session on representing low income students and parents in school law to legal services agencies for South Carolina Appleseed Legal Justice Center on October 11, 2001.
(b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002.
(c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference on July 25, 2002.
(d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on August 12, 2004.
(e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the South Carolina Black Lawyers Association Retreat on October 22, 2004.

(f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on February 24, 2006.

(g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training on August 10, 2006.

(h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference on October 22, 2009.

(i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in house education task force meetings.

(j) I presented a session on working with students experiencing bullying to attorneys at the South Carolina Appleseed Legal Justice Center's Education Law Training on March 9, 2012.

(k) I presented a session called balancing the scales of justice on representing students in education law cases for the South Carolina Bar on August 8, 2014

(l) I presented a session called expulsion case pointers to provide practice tips for South Carolina Appleseed Legal Justice Center in October of 2014.

(m) I presented a session on school discipline law at the South Carolina Bar Convention on January 24, 2015.

(n) I presented a legal education session on adding school law to your private law practice at the South Carolina Black Lawyers Association Conference on September 18, 2015.

(o) I presented a session on education law updates and developments at the South Carolina Legal Services Conference on November 19, 2015.

(p) I presented a session on the school to prison pipeline at the South Carolina Public Defender Association on November 23, 2015.

(q) I presented a session on forming partnerships to achieve equal educational opportunities for the South Carolina Appleseed Legal Justice Center on January 15, 2016.

(r) I presented at session at the South Carolina Bar Convention on the rights of single fathers in adoption cases on January 23, 2016.

(s) I presented a session on victim's rights in education at the Victim's Rights Conference on
April 20, 2016.

(t) I co-presented a session on practical legal issues at the School to Prison Pipeline:
Children with Disabilities seminar on June 24, 2016.

(u) I co-presented a continuing legal education session on how legal services can partner with public schools at the SC School Board Association's Summer Conference on August 20, 2017 in Myrtle Beach, South Carolina.

(v) I presented a session on children with special needs in family court at the Greenville Bar Annual CLE in February 2018.

(w) I presented a lecture on special education law and section 504 accommodation plans to school based mental health workers to increase school safety in Sumter on May 11, 2018.

(x) I presented a law related course on family and school law to guidance counselors for the USC School of Law Children's Law Office in Columbia, SC on June 11, 2018.

(y) I presented at the SC Guardian ad Litem Annual Training in a panel of three family court judges on Friday, January 28, 2022 in Columbia, SC.

(z) I presented at the Greenville Bar Annual CLE on a panel of family court judges on Friday, February 11, 2022.

(aa) I presented a session as the chief administrative family court judge (CAJ) for Greenville County in 2023 at the Greenville Bar's Annual CLE on administrative matters and maintaining the integrity of the court on February 10, 2023.

(bb) I was a presenter on a panel of judges and Frank Eppes for the Greenville Bar on June 19, 2023 in a CLE called Running for Judicial Office.

(cc) I presented on July 20, 2023 at Bethlehem Baptist Church in Fountain Inn/Simpsonville on a panel of two attorneys and one judge for the Empowerment Week session on family law and probate law.

(dd) On September 22, 2023 I co-presented at a CLE session about family law and collaborative law for the SC Black Lawyers Association Conference in Charleston.

(ee) On July 25, 2024 I co-presented during an online CLE session about the intersection of education law and family law for the SC Family Law Inns of Court.

I completed the part of this list from my time in private practice to the best of my ability. I provided numerous law-related education courses and continuing legal education sessions before I joined the family court bench.

Judge Nichols-Graham reported that she has published the following:
I wrote a short article on observations from the family court bench for the SC Family Law Section's E-Newsletter on November 15, 2022.

(4) Character:
The Commission's investigation of Judge Nichols-Graham did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Nichols-Graham did not indicate any evidence of a troubled financial status. Judge Nichols-Graham has handled her financial affairs responsibly.

The Commission also noted that Judge Nichols-Graham was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:
Judge Nichols-Graham reported the following regarding her last available rating by a legal rating organization:
My previous firm nor I participated in any rating procedure. If any rating exists, I am not aware of the rating and I did not participate in the process that resulted in the rating. The Greenville Chamber of Commerce included my name in a list of the Legal Elite in education law in Greenville in 2019.

Judge Nichols-Graham reported that she has not served in the military.

Judge Nichols-Graham reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Nichols-Graham appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Nichols-Graham appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Nichols-Graham was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:

(a) Legal Services Agency of Western Carolina, Inc. Greenville, South Carolina. Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. November 1998 to September 1999.

(b) Children's Law Attorney. Practiced law for low income children by focusing primarily on adoptions, children's social security cases, special education advocacy, and school discipline cases. September 1999 until December 31, 2001.

(c) South Carolina Legal Services. Greenville, South Carolina. Staff Attorney II. Practiced law in cases in Greenville County that included divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. Appeared in Magistrate's Court, Family Court, the Court of Common Pleas, Court of Appeals, and the U. S. Bankruptcy Court in various cases. January 1, 2002 to April 15, 2020.

(d) Education Unit Head. Led the education unit, sought local funding when possible, trained legal service attorneys across the state in representing students in the public education system, taught parents how to advocate for children, responded to requests for training from community groups, and operated the Greenville County United Way's Securing Public School Opportunities Program. Education cases included special education, school discipline, 504 accommodation plans, school enrollment, and homeless student education cases throughout South Carolina provided representation before local hearing officers, School Boards, the South Carolina Department of Education, the United States Department of Education, the Court of Common Pleas, and the South Carolina Court of Appeals. March 2003 to April 15, 2020.

(e) Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing

Attorney was on extended leave. Included supervising petty cash and trust accounts and monthly account reconciliations. September 24, 2007 through December 31, 2007.

(f) Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. Included supervising petty cash and trust accounts and monthly account reconciliations. August 26, 2009 through November 24, 2009.

(g) Interim Managing Attorney. Ensured the efficient operation of the Greenville Office and maintained a caseload primarily in family court. The Greenville Office served Greenville, Anderson, Pickens, and Oconee counties. Reviewed, accepted, and assigned or denied applicants. Reviewed all cases for quality and compliance. Supervised the legal work of attorneys, several support staff, and the financial accounts. Addressed human resource issues. Prepared grant reports. Participated in the statewide management team. Included supervising petty cash and trust accounts and monthly account reconciliations. April 1, 2013 to April 15, 2020.

(h) Managing Attorney (Greenville). Responsible for the provision of civil legal services in Anderson, Greenville, Pickens, and Oconee counties, the quality of legal services provided, and maintaining connections with the community and private bar. Reviewed applications for legal services. Assigned cases and provided case load management. Provided employee evaluations for support staff and attorneys. Provided human resource management and addressed grievances. Provided guidance and training. Managed client trust and petty cash accounts. Assured compliance with grants, policies, and procedures. Maintained a case load in the service area. Participated in grant writing. Included supervising petty cash and trust accounts and monthly account reconciliations. Permanent Position from June 1, 2013 to April 15, 2020.

(i) As the Managing Attorney (Greenville) I also served as the Interim Managing Attorney (Low Income Taxpayer Clinic).

Supervised and managed the Clinic Director, paralegal, and attorneys that assisted with tax cases for South Carolina Legal Services in all counties. Provided case load management, monitored the quality of legal services provided, facilitated assigning cases, denied applicants, provided human resource management, and reviewed grant applications and reports. January 2015 to April 15, 2020.

(j) Judge of the Family Court, At Large, Seat 1. I served primarily in other counties as a visiting judge from April 2020 until the end of December of 2022. I served as the chief family court judge for administrative purposes (CAJ) for Greenville County Family Court from January 2, 2023 until December 31, 2023. During my term as the CAJ I served as a visiting judge in other counties approximately one week of each month. As the CAJ in Greenville County in addition to maintaining regular duties and responsibilities assigned to each family court judge, I was responsible for reviewing all requests for emergency and ex parte relief in Greenville County, providing direction for docket clerks to issue a balanced and organized system of assigning the types of dockets to judges routinely assigned to Greenville, reviewing and managing the pending list of contested trials, assigning juvenile waiver hearings to judges, ensuring that waiver hearings were being scheduled, held a series of meetings with stakeholders for juvenile justice cases to address transportation problems and other issues due to the county's decision not to reopen Greenville's local secured juvenile detention center, controlling the amount of docket allocated for Greenville County Department of Social Services, scheduling quarterly family court liaison meetings with the local Bar and stakeholders, reviewing all motions for exemption from mandatory mediation and all motions to extend the 365 Day Administrative Dismissal Rule, and scheduling and holding pre trial hearings for approximately 60 percent of the cases requesting three or more days of docket time for contested final hearings. Since my term as CAJ ended I have been assigned to Greenville County approximately two weeks out of each month. I have served as a family court judge in Greenville, Spartanburg, Pickens, Cherokee, Oconee, Anderson, Laurens, Greenwood, Union, York, Chester, Lexington, Lee, Florence, Marion, Horry,

Georgetown, Berkeley, and Charleston counties from April 20, 2020 to present.

Judge Nichols-Graham reported that she has held the following judicial office(s):
Judge of the Family Court, At Large, Seat 1. Family court judges have he jurisdiction to serve in each county. I have served as a family court judge in Greenville, Spartanburg, Pickens, Cherokee, Oconee, Anderson, Laurens, Greenwood, Union, York, Chester, Lexington, Lee, Florence, Marion, Horry, Georgetown, Berkeley, and Charleston counties from April 20, 2020 to present.

Judge Nichols-Graham provided the following list of her most significant orders or opinions:

(a) John Doe v. Jane Doe. Sealed file. Names available upon request. 2019-DR-23-02559.

Pending appellate case. SC Court of Appeals. Appellate Case Number 2023-000030.

(b) Karen Wray v. Eric Wray. 2021-DR-46-01760

Pending appellate case. SC Court of Appeals. Appellate Case Number 2023-001823.

(c) Gwen Atkinson v. Vincent Kinsler. 2020-DR-46-01439
(d) SCDSS v. Tenisha Tate and Nathan Howie. Unpublished opinion. 2022 WL-4231243.
(e) Javen Glazener v. Lauren Jenkins. 2021-DR-23-04547

Judge Nichols-Graham reported no other employment while serving as a judge.

Judge Nichols-Graham further reported the following regarding unsuccessful candidacies:

(a) I applied for Family Court Judge, At Large, Seat 4, in Fall 2012. I was found qualified but I did not receive a nomination.
(b) I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 5, in Fall 2013. I was found qualified but I did not receive a nomination.
(c) I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 3 in Spring 2016. I was found qualified but I did not receive a nomination.

(d) I applied for Family Court Judge, At Large, Seat 7, in Fall 2016. I was found qualified but I did not receive a nomination.
(e) I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 6, in Fall 2018. I was found qualified and I received a nomination to proceed to the election. I did very well in that race, but I did not receive the most votes on the floor.

(9) Judicial Temperament:
The Commission believes that Judge Nichols-Graham's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Nichols-Graham to be to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had neither related nor summary comments.

Judge Nichols-Graham is married to Hakim Rahman Graham. She has one child.

Judge Nichols-Graham reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar, Young Lawyers Division, Executive Council 2002-2003.
(b) South Carolina Bar, Children's Law Committee
(c) South Carolina Supreme Court CLE & Specialization Commissioner, June 2003-July 2009.
(d) South Carolina Black Lawyers Association. Assistant Secretary. 2013-2017. Secretary 2018.
(e) Greenville County Bar Association
(f) Donald James Sampson Bar Association.
(g) South Carolina Bar, Education Law Committee, Chair Public Information Sub-Committee, 2014-2015.
(h) South Carolina Children's Justice Act Task Force. Current member.

(i) South Carolina Supreme Court Family Court Docket Committee. Ended April 2020.

Judge Nichols-Graham provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Bethlehem Baptist Church Member. Summer Bible Institute Instructor. June 2011.
(b) Delta Sigma Theta Sorority Incorporated. Greenville (SC) Alumnae Chapter. Co-Chair of Social Action Committee 2016-2017, 2017-2018.
(c) Young Lawyer of the Year Award. South Carolina Bar. 2001-2002.
(d) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013.
(e) The Ellen Hines Smith Legal Services Attorney of the Year 2015.
(f) The Moles of Greenville, South Carolina. Publication Committee Chair. (2022-2023).

Judge Nichols-Graham further reported:
I went to law school to help people. When I was a young lawyer I did not dream of becoming a judge and I could not have contemplated becoming a judge. Our family is full of intelligent people but to this day, I am still not aware of any other lawyer in my family.

I grew up in a rural area in South Carolina where my paternal ancestors and family members have resided since before the 1840's, when they were still enslaved people. My household was stable and we lived in a stable community surrounded by family members and my father's close friends but I still observed things in my community that created a drive within me to achieve a good education. I wanted to be in a position to help people and to make a difference in the lives of children.

I have a heightened awareness of the need to protect the integrity of the court, to quickly assess the situation and focus on the facts and issues that need additional attention, to maintain the decorum of the court at all times, and to ensure that everyone has the opportunity to maintain their personal dignity and respect even if they do not receive a favorable decision. I do not make arbitrary decisions. I can explain every decision.

My personal and professional experiences will continue to serve the public well. It is an honor to serve in this capacity. I believe that I am a good judge and I hope that you reach the same conclusion.

(11) Commission Members' Comments:
The Commission found that Judge Nichols-Graham has done well during her four years on the bench. She has a reputation for good temperament and knowledge of the law.

(12) Conclusion:
The Commission found Judge Nichols-Graham qualified, and nominated her for re-election to Family Court, At-Large, Seat 1.

The Honorable Timothy E. Madden
Family Court, At-Large, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Madden meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Madden was born in 1963. He is 61 years old and a resident of Greenville, South Carolina. Judge Madden provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Madden.

Judge Madden demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Madden reported that he has made about $25 in campaign expenditures for office supplies and postage.

Judge Madden testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Madden testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Madden to be intelligent and knowledgeable.

Judge Madden reported that he has taught the following law-related courses:

(a) National Family Law Trial Institute, Houston, Texas. (2010-2024). This program is an 8-day intensive trial skills course open to and attended by practicing attorneys from various states who seek to improve courtroom presence in divorce-related litigation. It is a non-profit school organized and run by faculty. As a volunteer member of the faculty, for many years I co-taught an advanced course focused on the issue of business valuation in divorce cases. I periodically presented a lecture called "Business Valuations – Lawyer to Lawyer", and routinely demonstrated cross examination of a business valuation expert. As part of the program I critique students on presentations, provide feedback and instruction. From time to time I serve as one of the faculty members responsible for a small group (about six) participants for the entirety of the program. On the last day of the program there is a mock trial and I have served as judge in the mock trial. Since 2020 I have served on the managing board of the program.
(b) Institute for Associates, American Academy of Matrimonial Lawyers, Chicago, Illinois. (2016-2018). This program is a three day program which serves lawyers from various states who are new to the area of family law. As a volunteer member of the faculty I was responsible for mentoring a small group of lawyers throughout the program, and lectured in both the regular and advanced courses. The lecture topics

were business valuation for lawyers, deposing the expert witness, direct examination of the expert witness, and cross examination of the expert witness. In the 2018 advanced course I delivered some of these lectures using a case-study approach based on the Moore vs. Moore case.

(c) Southwest Divorce Conference, Advanced Financial Topics, Presented by Arizona Chapter of the American Academy of Matrimonial Lawyers, 2017. This program is a multi-day continuing education conference. At the invitation of the organizers, I served with a nationally-known expert in the role of keynote speakers. I lectured and presented multiple times during the course of the seminar on topics related to business valuation and expert testimony.

(d) Greenville County Bar, 2017, 2023 and 2024. This program was the end-of-the-year annual continuing education seminar. As a practicing attorney, I participated in a panel discussion during the family law segment. The panel consisted of experienced and less-experienced practitioners. The focus of the discussion centered on maintaining and managing a successful family law practice. As a judge I participated in a segment in which a panel of judges identified areas in need of improvement and answered questions propounded by lawyers.

(e) South Carolina Bar, various years in various seminars. Below I describe these to the best of my recollection.

(1) Family Court Section at SC Bar Convention, 2024, "Hollywood Squares"

(2) "Hot Tips for Family Law". 2022, 2021, and several prior years, the specifics of which cannot be recalled.

(3) Fall Seminar Presented by Family Law Section, Grove Park Inn, Asheville, NC. (about 2012). Along with another lawyer and some financial experts, this was a workshop seminar at which I presented on financial topics over the course of several sessions.

(4) Workshop Seminar Presented by Family Law Section, Greenville, SC (about 2009). With a CPA, I led a multi-hour workshop focused on reading and understanding tax returns, and using the data from tax returns in Family Court.

(5) JCLE for Family Court Judges (about 2007). I presented on the topic of pleadings in Family Court.
(6) At one seminar (I do not recall the specific one or date), I presented on the topic of representing foreign nationals in Family Court.
(7) Video CLE led by former Family Court Judge Leslie Riddle called "Whipping Up Some Justice" on the topic of pleadings and temporary hearings in Family Court.

(f) SC Association of Public Accountants Seminar (about 2011). I served on panel focused on business valuations in Family Court.
(g) New Judge Orientation School (about 2002). I presented on the topic of equitable apportionment at this school for new Family Court Judges in South Carolina.
(h) Greenville Technical College, Paralegal Program. In the early 1990's I taught a few courses to paralegal students. To the best of my recollection the courses I taught were family law and real property.

Judge Madden reported that he has published the following books and articles:

(a) South Carolina Practice Manual (Howard/Moise ed. 2000), author of chapter titled "*Marital Dissolution and Child Custody*"
(b) I served on the Editorial Board for the Third Edition of Marital Litigation in South Carolina: Substantive Law, Roy T. Stuckey (SC Bar CLE, first published in 1991, subsequent editions published through 2010 with annual supplements).

(4) Character:
The Commission's investigation of Judge Madden did not reveal evidence of any founded grievances or criminal allegations made against his.

The Commission's investigation of Judge Madden did not indicate any evidence of a troubled financial status. Judge Madden has handled his financial affairs responsibly.

The Commission also noted that Judge Madden was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Madden reported the following about his rating by any legal rating organization:
When I stopped private practice in 2020 I maintained an AV rating from Martindale-Hubbell, had been listed in Best Lawyers in the category of family law/domestic relations for about 20 years, and had been listed in Super Lawyers for a similar period of time. More than once I was recognized among the top twenty-five South Carolina lawyers in domestic relations in Best Lawyers and/or Super Lawyers

Judge Madden reported that he has not served in the military.

Judge Madden reported that he has held the following public offices other than judicial office:

(a) South Carolina Education Lottery Commission. 2001 to 2016. Chair (2006-2016), Vice Chair (2001-2006). Appointed.
(b) South Carolina Transportation Infrastructure Bank Board. 1997 to 2001. Vice Chair. Appointed.
(c) Greenville County Transportation Committee. 1993 to 1997. Elected by Greenville County Legislative Delegation.

(6) Physical Health:
Judge Madden appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Madden appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Madden was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) August, 1988 until about January, 1993 Associate Attorney in private practice (small firm)

Employer: Wilkins, Nelson, Kittredge & Simmons, P.A. (later Wilkins, Nelson and Kittredge, P.A., and then Wilkins & Nelson, P.A.)
Practice: family law (80%+), civil litigation (10%), real estate (5%), appeals (5%)

(b) January, 1993, until February, 2006. Partner in private practice (small firm)

Firm: Initially Wilkins & Nelson, P.A., later renamed Wilkins & Madden, P.A.
Practice: family law and related appeals (85-90%), civil litigation (about 10%), real estate (small percentage)
Other: Managing Partner (1993-2006). Responsibilities included financial management (including trust accounts), day-to-day administrative management, human resources, supervision and mentoring of less experienced lawyers

(c) February, 2006, until February, 2020. Partner in private practice (large firm)

Firm: Nelson Mullins Riley & Scarborough, LLP
Practice: family law and related appeals (90%), civil litigation (10%)
Other: Office Managing Partner (2011-2020), Partner Development Committee (2009-2020), Marketing Committee (2007-2012), Strategic Planning Committee (2007-2008). Responsibilities include supervision and mentoring of attorneys in family law practice area, serving as liaison for the office's 42 lawyers and 40-45 staff with the firm's Executive Committee, general management responsibilities, and administration of the office marketing budget

(d) March, 2020, until present. Family Court Judge, At-large, Seat 2.

Judge Madden reported that he has held the following judicial office(s): Elected by the South Carolina General Assembly in February 2020 as Family Court Judge, At-Large, Seat 2. The jurisdiction of the family court is detailed and limited by statute.

Judge Madden provided the following list of his most significant orders or opinions:

(a) Unreported. Anderson County DSS case. Anderson County DSS brought an action against biological parents for abuse and neglect of children based on the drug use by the parents. The children were removed and placed in foster care. While in foster care one of the children experienced a brain injury allegedly due to "shaken baby syndrome" resulting in DSS

filing another case against the foster parents. The cases were consolidated and a five-day trial held. While DSS and the foster parents were represented by counsel, the biological parents refused counsel and were self-represented. The biological parents asserted themselves to be sovereign citizens and disavowed the jurisdictional authority of the court. The legal and procedural issues were complex, and the attitude and approach of the biological parents challenged the patience of all involved.

(b) Unreported. Greenville County juvenile case. A Greenville County youth pled guilty to manslaughter. The charge occurred when the child was 17 years old, a senior in high school, and an outstanding student. She had a fight with a boyfriend, fled his home in a fit of rage, sped down a busy highway, reached 85 miles per hour and crashed into a car pulling out of a doctor's office. The crash killed the other driver, a beloved and respected family man in his eighties who had just dropped off his wife for her doctor's appointment. The youth received grace from the family of the victim who publicly expressed forgiveness during the dispositional hearing.

(c) Unreported. Greenville County contempt case. In a divorce case in Greenville County a high net-worth and socially-connected party flagrantly violated multiple restraining orders through posts on social media and interviews with media outlets despite being warned and cautioned multiple times. He was held accountable through a jail sentence for contempt.

(d) Unreported. Chester County child support case. In a child support enforcement hearing brought by the Clerk of Court, a defendant/father who had six children by six different mothers was delinquent in each case by thousands of dollars. The amount of his delinquency in each case mirrored the accumulated support due since his previous enforcement hearing. He was sentenced to jail but allowed to purge the sentence by paying all he owed (a total amount of about $10,000). Before leaving the court room he withdrew cash from his pocket and paid the entire balance.

(e) Unreported. Abbeville County adoption case. In Abbeville County a Mennonite family with five children (all boys) adopted a female child who had been abandoned by her

family of origin. At the final hearing the entire congregation of the adopting family's church attended to demonstrate support for the family and of the adoption.

Judge Madden reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge Madden's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Madden to be "Well Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and experience; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and judicial temperament. The Committee had the following comment: "We had a lengthy and candid discussion with Judge Madden. The Committee spoke with dozens of attorneys that appear before him in advance of his interview. The consensus from our interviews was that while he is given the highest marks, one attorney calling him 'the most competent Family Court Judge in the State' from private Family Court attorneys there is a concern with his treatment of institutional lawyers in his courtroom. His zeal for excellence shows in a vastly improved docket in Greenville County and the Family Court is well run and efficient. That same demand for excellence creates tension for attorneys with a significant number of clients. While every attorney is held to the same standards, the practicality of handling a massive caseload needs to be acknowledged. He understands that he needs to be aware that agency attorneys are burdened with a heavy docket."

Judge Madden is married to Cami Leigh McGregor (now Madden). He has two children.

Judge Madden reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar. Member, House of Delegates (1990-2004)
(b) Greenville County Bar Association
(c) American Academy of Matrimonial Lawyers. Board of Governors (2014-2016), South Carolina Chapter President

(2010-2012), Chapter Vice President (2008-2010), Chapter Secretary (2006-2008), and Chapter Treasurer (2004-2006)
(d) American Bar Association (1988-2020)
(e) South Carolina Family Law Inn of Court

Judge Madden provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Board of Trustees, Wofford College
(b) Westminster Presbyterian Church, Greenville, South Carolina. Elder and past chair, Weekday School Committee
(c) Greenville Country Club
(d) Compleat Lawyer Award, University of South Carolina Law School Alumni Association
(e) Distinguished Service Award, Wofford College Alumni Association
(f) Liberty Fellow

Judge Madden further reported:

(a) On my first day as a judge state government closed because of the COVID pandemic. After a short period of addressing only emergency matters, we quickly adapted, went back to work, and adapted technology and other methods to decide cases and keep dockets moving. While traditional, in-person hearings are best, and the temporary methods deployed during COVID were only a band-aid, many of the lessons from that era carried over to make us more efficient today. The positive influence of these experiences is that when challenged we can find a way to do the work which needs to be done to serve those who need to be served. By contrast, many of our colleagues at the federal level closed courts for months on end, creating backlogs from which they continue to be burdened.
(b) In my first term I had the privilege and opportunity to travel and hold terms of court in 30 counties. Hearing all types of family court cases in different regions of the state gave me a new appreciation for the diversity and commonality of our citizenship, the unique challenges in different geographic regions, the strains on our social services and juvenile justice systems, the local customs and traditions, and the tremendous sense of community among South Carolinians.

(c) In 2024 my service as Chief Judge for Administrative Purposes in Greenville County afforded me the opportunity to use a trial and error system, implement some of the best practices from across the state, and work closely with very busy lawyers to try to improve efficiency, reduce backlogs, and improve work flow.

(d) As expected, my 31 years of private practice in family law, trial and appellate practice was invaluable in being able to address the issues brought before me. As described when I first ran for this position, I had the privilege of being counsel of record in more than a dozen appeals from family court trials, many of which are significant published opinions. I work diligently to create and maintain a good record of the trial because I know the importance of this record for appeals.

(e) My work in a small firm and a large firm gave me appreciation for the demands and stressors placed on all lawyers. I understand what is required of a solo practitioner and small firm lawyer to meet overhead and make a payroll, and manage the daily stress of client relationships. I appreciate the pressure on lawyers in larger firms to be a producer and meet firm-required goals. This background helps me be patient and understanding in addressing administrative issues.

(f) From time to time, before becoming a judge and in addition to my law practice, I took financial risks by investing in a few closely-held businesses. I gained an appreciation for the challenges faced by those who open and operate a business. Although I rarely made any money from these ventures, being a part of them helps me understand and appreciate the same struggles and benefits experienced by many Family Court litigants who operate small businesses.

(g) As one of the original members of the South Carolina Education Lottery Commission, and as Chair of this Commission for ten years, I gained a working knowledge of a billion-dollar a year business from its infancy to successful maturity. I learned both how to organize and launch a large-scale business enterprise, and how to set and guide policy for this organization, all within the confines of the statutory authority created by the General Assembly. The business aspect of this experience provides me valuable and helpful

in understanding some issues presented in the Family Court. The policy and administrative aspect of this experience assists me in working with Court Administration and government service.

(h) From the pro bono work I did as a lawyer, and the volume of cases I have now heard which involve those of modest means, I always bear in mind that no matter the legal significance (or lack thereof) of the issue which is in dispute in any given case, or dollar amount in controversy, the practical and personal importance of the issue, and the day in court to those litigants, is paramount.

(11) Commission Members' Comments:
The Commission noted that Judge Madden is well respected on the Family Court bench for his intellect and dedication to improving the Family Court system. He expects excellence from all attorneys and has helped to transform the Family Court docket in Greenville County. He is known as a firm, yet fair family court judge.

(12) Conclusion:
The Commission found Judge Madden qualified, and nominated him for re-election to Family Court, At-Large, Seat 2.

The Honorable James G. McGee III
Family Court, At-Large, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McGee meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge McGee was born in 1959. He is 65 years old and a resident of Florence, South Carolina. Judge McGee provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge McGee.

Judge McGee demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McGee reported that he has not made any campaign expenditures.

Judge McGee testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge McGee testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge McGee to be intelligent and knowledgeable.

Judge McGee reported that he has taught the following law-related courses:
(a) 2008-2012 Adjunct Professor, Francis Marion University teach Political Science 101. This was an entry level political science taught mostly to freshmen covering US and State government;
(b) 2006-2012 Pro se divorce seminar for Centers for Equal Justice. I taught this seminar periodically for self-represented indigent litigants seeking a divorce on one year separation;
(c) 2004-2012 Training seminars for volunteer GALs. As attorney for the 12th Guardian ad litem program I taught new volunteers in courtroom procedure and effective witnessing in abuse and neglect matters before Family Court.

Judge McGee reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge McGee did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge McGee did not indicate any evidence of a troubled financial status. Judge McGee has handled his financial affairs responsibly.

The Commission also noted that Judge McGee was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge McGee reported no rating by any legal rating organization.

Judge McGee reported that he has not served in the military.

Judge McGee reported that he has held the following public office other than judicial office:

(a) South Carolina House of Representatives, 1997-2006, failed to timely file campaign disclosure once during my service. It was not timely mailed from my law office. Paid $100 fine from my personal funds. It was my responsibility to make sure the report was timely filed.

(6) Physical Health:
Judge McGee appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge McGee appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge McGee was admitted to the South Carolina Bar in 1995.

He gave the following account of his legal experience since graduation from law school:

After being admitted to the bar in 1995, I began work at Dusenbury and Snow, P.A. in Florence, SC, which later became Dusenbury, Snow & McGee, P.A. I was employed by the firm until my election to the bench in 2013. I practiced in Family Court primarily, comprising an estimated 95% of all my cases. In addition to my law practice, I became part-time General Counsel to Francis Marion University in 2008 and held that

position until my election to the bench in 2013. I was not responsible for the administrative or financial management for either entity nor was I responsible for the management of the trust account at Dusenbury, Snow & McGee, P.A.

Judge McGee reported that he has held the following judicial office(s):
S.C. Family Court Judge 2013-Present
Jurisdiction limited to matters as set forth by the General Assembly of South Carolina pursuant to promulgation of statutes, court rules and regulation which currently include: protection of abused and neglected children; juvenile matters; divorce; custody; visitation; child support and name changes.

Judge McGee provided the following list of his most significant orders or opinions:

(a) Davis v. Davis (Spartanburg County) 2015-DR-42-2940. This was a matter involving equitable division of a small business.
(b) Williams v. Williams (Georgetown County) 2015-DR-22-233. This was a weeklong trial involving legal custody of minor children.
(c) Downing v. Downing (Charleston County) (Unpublished: 2022-UP-394) This was a contempt action involving interpretation of a marital settlement agreement.
(d) SCDSS v. Davis and Miller (Greenville County) (Unpublished: APC-2016-002260). This was a termination of parental rights action.
(e) SCDSS v. Jenkins (Dorchester County) (Unpublished: APC-2015-002632) This was a weeklong termination of parental rights action involving an adopted child.

Judge McGee reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge McGee's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge McGee 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 provided no summary statement or related comments.

Judge McGee is married to Kathy S. McGee. He has one child.

Judge McGee reported that he was a member of the following Bar and professional associations:
South Carolina Bar Association (held no offices)

Judge McGee provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge McGee further reported:
It has been my honor to service as a South Carolina Family Court Judge for the past 11 years. My goals have remained to same and that is to treat every litigant with dignity and fairness. To be slow to talk but quick to listen and issue any rulings fairly without passion or prejudice. I believe I am a much better judge today than when I started 11 years ago. There are some things only experience can teach, and I am still learning every day.

(11) Commission Members' Comments:
The Commission commented that Judge McGee is true to his word and strives to be the kind of judge that attorneys want to appear in front of. The Commission also noted that Judge McGee's zeal, passion, and willingness to continue serving as a Family Court judge on behalf of the people who appear before him are great assets.

(12) Conclusion:
The Commission found Judge McGee qualified, and nominated him for re-election to Family Court, At-Large, Seat 3.

The Honorable Monét S. Pincus
Family Court, At-Large, Seat 4

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Pincus meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Pincus was born in 1965. She is 59 years old and a resident of Columbia, South Carolina. Judge Pincus provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Pincus.

Judge Pincus demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Pincus reported that she has not made any campaign expenditures.

Judge Pincus testified she has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Pincus testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Pincus to be intelligent and knowledgeable.

Judge Pincus reported that she has taught the following law-related courses:

(a) New Judges School 2020, 2021, 2022, 2023, 2024 (Temporary Hearings);
(b) 2022 Family Court Judges' Conference (SC Family Court Composition, Service, Leadership & Resources)

Judge Pincus reported that she has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Pincus did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Pincus did not indicate any evidence of a troubled financial status. Judge Pincus has handled her financial affairs responsibly.

The Commission also noted that Judge Pincus was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:
Judge Pincus reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

Judge Pincus reported that she has not served in the military.

Judge Pincus reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Pincus appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Pincus appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Pincus was admitted to the South Carolina Bar in 1993.

She gave the following account of her legal experience since graduation from law school:

(a) Berry, Quackenbush & Stuart, 1993-1997: I was an associate in the litigation section of the law firm; I participated in all aspects of civil litigation from client intake to trial. I was not involved in administrative or financial management.

(b) Hampton Monge Shupe & Curlin, 1997-2001: I was a member of this law firm with family law as my primary practice area (my former name was Monet S. Curlin). This firm eventually became Curlin Law Firm when the other partners left and was dissolved on 9/26/02.

(c) Pincus Law Firm, LLC, 2001-9/26//02. I was a sole practitioner practicing family law exclusively. I handled all administrative and financial management.

(d) Palmetto Law Group, LLC: 9/02 through 2003. I merged my practice with two other attorneys and continued my focus in family law. I was involved with limited administrative duties such as hiring, firing and marketing. I was not involved in financial management.

(e)Monet S. Pincus, LLC: 2003- June 2007. I returned to my own practice as a sole practitioner with a focus in family law. I handled all administrative and financial management.

(f)Pincus & Loomis, LLC: June 2007-June 2010. I took on a partner in June 2007. I continued my family law practice during this time. My partner eventually accepted another employment position. We shared administrative and financial management.

(g)Monet S. Pincus, LLC: June 2010-present. I reverted to this company when my partnership dissolved in June 2007. I did business as Pincus Family Law. I handled all administrative and financial management.

(h)Department of Health and Human Services 2007: I became a contracted hearing officer in conjunction with my private practice where I hear the first level of appeals of certain types of claims. I was not involved in administrative or financial management.

(i)Family Court Judge June 2013 through present.

Judge Pincus reported that she has held the following judicial office(s): July 1, 2013 to present, Family Court, elected. Family Court's jurisdiction is statutory and limited by statute. Family Court's exclusive original jurisdiction is found in §63-3-510(A) and (B). Additionally, section 63-3-530(A) and subsections following delineate exclusive jurisdiction in domestic matters and section (B) gives Family Court concurrent jurisdiction with Probate Court to hear certain matters delineated therein.

Judge Pincus provided the following list of her most significant orders or opinions:

(a) Kari Lynn Bristol, Respondent v. Geoffrey M. Lipnevicius, Appellant, Ct App. Opinion No. 6085

(b) Ingrid G. Brantley, Respondent v. Dennis E. Brantley, Sr., Appellant, Ct. App. Opinion No. 6023
(c) Karl and Lisa Jobst, Respondents v. Bryan Jobst, Brittany Martin, and South Carolina Department of Social Service, Ct. App. Opinion 5567
(d) Christine Crabtree, Respondent v. Donald Clinton Crabtree, Appellant, Ct. App. Unpublished Opinion No. 2020-UP-310
(e) John Tomsic, Appellant v. Angel R. Tomsic, Respondent, Ct. App. Unpublished Opinion No. 2021-UP-230

Judge Pincus reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Judge Pincus's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Pincus to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Midlands Citizens Committee also noted, "Well Qualified-No Comment Needed!"

Judge Pincus is married to Daniel Wade Allman. She has three stepchildren.

Judge Pincus reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar Association

Judge Pincus provided that she was not a member of any civic, charitable, educational, social, or fraternal organizations:

(11) Commission Members' Comments:
Four affidavits were filed against Judge Pincus by the following complainants: Dominici "Nick" Badalamenti, Ansley Younginer, Matthew Younginer, and Rhonda Meisner. Additionally, each of the complainants provided oral testimony before the Commission. The Commission thoroughly reviewed the affidavits, and any accompanying

documents provided from the complainants, as well oral testimony from Judge Pincus. They also reviewed a written response from Judge Pincus regarding Ms. Meisner's affidavit. After careful consideration of the testimonies, complaints, response, and accompanying documents, the Commission does not find a failing on the part of Judge Pincus in the nine evaluative criteria.

The Commission members commented that Judge Pincus is a great asset to the Family Court bench and has a reputation for taking on hard cases. They noted that she has a passion for doing the right thing, which has ably served her in discharging her responsibilities on the Family Court.

(12) Conclusion:
The Commission found Judge Pincus qualified, and nominated her for re-election to Family Court, At-Large, Seat 4.

The Honorable Randall E. McGee
Family Court, At-Large, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McGee meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge McGee was born in 1965. He is 59 years old and a resident of St. Matthews, South Carolina. Judge McGee provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1991.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge McGee.

Judge McGee demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge McGee reported that he has not made any campaign expenditures.

Judge McGee testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Judge McGee testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge McGee to be intelligent and knowledgeable.

Judge McGee reported that he has taught the following law-related courses:
(a) 2003 – I lectured and presented my written article, "How to Win a Temporary Hearing," at the S.C. Bar Seminar, Cool Tips from the Hottest Domestic Law Practitioners.
(b) 2004 – I lectured and presented my written article, "Custody and Visitation Factors," at the 2004 Guardian ad Litem Training Seminar.
(c) 2008 – I lectured and presented my written article, "The Dangers of Filing False Affidavits at a Temporary Hearing," at the S.C. Bar Seminar, Hot Tips from the Coolest Domestic Law Practitioners.
(d) December 2013 – I participated in a panel discussion at the Family Court Bench Bar seminar for the S.C. Bar. The panel was comprised of all recently elected, eight (8) Family Court judges.
(e) June 2014 – I presented orally, with written materials also, at Orientation School for New Family Court Judges on impressions of a recently elected judge.
(f) January 2018 – I participated in a panel discussion with other Family Court judges at the Annual Guardian ad Litem Training and Update Seminar for the S.C. Bar.
(g) 2018 and 2023 - I have spoken and presented written materials at the S.C. Bar's Law School for Non-Lawyers on juvenile court and general Family Court matters. On both occasions, I taught this class at Orangeburg-Calhoun Technical College.
(h) 2022 - I was selected along with the Honorable Kaye Hearn and the Honorable Usha Bridges to present as to Family Court docketing matters

at the Annual Judicial Conference in Columbia, S.C. We presented as part of a panel of Appellate Court, Circuit Court, and Family Court judges to all the state court judges in attendance.
(i)2023 – 2024 - I also presented materials at the Orientation School for New Family Court Judges. Each year I taught, along with the Honorable Alice Anne Richter, on the issues of domestic abuse cases and self-represented litigants.

Judge McGee reported that he has published the following:

(a) "How to Win a Temporary Hearing," 2003, Cool Tips from the Hottest Domestic Law Practitioners, S. C. Bar CLE 2003
(b) "Custody and Visitation Factors," 2004, Guardian ad Litem Training Seminar, S.C. Bar CLE 2004
(c) "The Dangers of Filing False Affidavits at a Temporary Hearing," 2008, Hot Tips From the Coolest Domestic Law Practitioners, S.C. Bar CLE 2008

(4) Character:
The Commission's investigation of Judge McGee did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge McGee did not indicate any evidence of a troubled financial status. Judge McGee has handled his financial affairs responsibly.

The Commission also noted that Judge McGee was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge McGee reported that his rating by a legal rating organization, Martindale-Hubbell, as follows: Distinguished – High Ethical Standing.

Judge McGee reported that he has not served in the military.

Judge McGee reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge McGee appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge McGee appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge McGee was admitted to the South Carolina Bar in 1991.

He gave the following account of his legal experience since graduation from law school:

(a) 1991 – 1992, Associate – Felder & Prickett, St. Matthews, S.C. (utilized trust account for client funds). General Practice.
(b) 1992 – 1995, Associate, Felder, Prickett & Mizzell, St. Matthews, S.C. (utilized trust account for client funds). General Practice.
(c) 1995 – 2002, Partner, Felder, Prickett & McGee, LLP, St. Matthews, S.C. (utilized trust account for client funds, active in all business decisions in partnership as a 1/3 interest holder). General Practice with emphasis on Family Law.
(d) 2003 – 2013, Partner, Felder & McGee, LLP, St. Matthews, S.C. (utilized trust account for client funds, active in all business decisions as a partner with 1/3 or ½ interest in law firm). Served as managing partner also during this time. General Practice with emphasis on Family Law.
(e) 1993 – 2013, title insurance agent to Lawyers Title and First American Title Insurance Co.
(f) 2003 – 2013, School Attorney, Calhoun Academy, St. Matthews, S.C.
(g) 2013 – Present, South Carolina Family Court Judge

Judge McGee reported that he has held the following judicial office(s): Yes, Family Court Judge, At-Large, Seat Five (2013 – Present), Elected, Jurisdiction is set by S.C. Code Ann. § 63-3-510 and 63-3-530.

Judge McGee provided the following list of his most significant orders or opinions:

(a) Houdasheldt v. Houdasheldt, 2019-DR-18-951, This case was a 15-day divorce trial that had to be heard over several months due to crowded dockets in Dorchester County in 2021 and 2022 following the COVID pandemic. Most of the case involved a very disputed custody claim as to two (2) small children. The Mother alleged the Father had sexually abused the children, while the Father claimed the Mother suffered from severe mental health conditions that led her to fabricate the sexual abuse claims because she believed he was unfaithful with another woman. The Court heard from four (4) experts dealing with alienation, child trauma, sex offender assessment, and general parental fitness.

Unique to this case was the overall good and positive co-parenting relationship these parents had despite the serious claims against each other. The children also had, as the evidence revealed, a strong and loving bond with both parents. The foundation was built for these parties to co-parent despite the awful allegations they made against one another. After hearing and reviewing all the evidence, I found Mother's sex abuse allegations against the Father had not been proven by a preponderance of the evidence, but that he had proven Mother had reasons to fabricate these allegations related to her mental health struggles, her belief of Father's infidelity, and her strong desire to be the custodial parent. Her other actions as to Father and his relationship with the children showed she was not concerned that he would ever harm the children, but that he would appropriately parent them and co-parent with her.

For these reasons, I ordered Father to have sole legal and physical custody, but with a duty of consultation as to major issues with Mother. Mother was given unrestricted and unsupervised parenting time with the children provided she completed a treatment plan of continued mental health treatment, medication management, and cognitive behavioral therapy and clarification with one of the children. The parties were jointly ordered to co-parenting counseling.

This case was important and difficult because the safety of children is paramount. Sexual abuse allegations are very serious because of the lingering damage any such abuse causes the child and the need to shield the child from future abuse; however, the injury to a child and damage to a parent's relationship with the child used in fabricated sexual abuse allegations is also seriously injurious and contrary to a child's best interest. I determined to rule in such a way as to adequately protect the children from the abuse proved at trial, but also to create a custody arrangement that preserved the co-parenting qualities of the parties and

the present condition of the two (2) minor children which was positive, loving, secure, happy, stable, and emotionally and educationally thriving in nature as to the children individually and as to their relationships with each parent.

(b) Sobel v. Sobel, 2011-DR-40-2947, divorce case from Richland County, tried December 9, 10, and 12, 2013, This case involved a disputed adultery claim, a disputed condonation/reconciliation claim, child custody and visitation, relocation, child support exceeding the Guidelines cap of joint income ($20,000), private school tuition, complicated equitable division and separate property (trusts) claims, and alimony. The issue involving condonation/reconciliation was crucial due to its impact on the wife's alimony request. The issue of whether certain trust properties of the husband were marital was also crucial to the equitable division award in this case. While I expected a cross appeal on my decision, both attorneys informed me that their clients decided against appeal because of the fairness of my decision.

(c) Menefee v. Menefee, 2011-DR-02-1685, an Aiken case, upheld and affirmed by the South Carolina Court of Appeals in Terry Menefee v. Delinda Menefee, 2017-UP-301 (Ct. App. 2017). This was a multi-day trial from July and September 2014. The Court of Appeals affirmed my decision as to nine (9) different issued raised on appeal by the appellant-husband. This case involved divorce, custody, visitation, child support, equitable division, alimony, contempt of court, and attorney's fees.

(d) Irvin v. Irvin, 2021-DR-10-2363 and 2014-DR-10-3373, This case came before me as a supplemental hearing for temporary relief as a review hearing required by the initial temporary order in the case. I heard this case in Charleston as a visiting judge. I had never presided over any matters in the action prior.

This hearing was a highly contested matter in regard to a 16-year-old female child that refused to visit regularly with her Father. Father and his expert claimed the Mother had alienated the child from him causing her refusal to visit. Mother and her expert alleged Father's own bad actions, neglect, and criminal past made the child leary of any real relationship with him. The child had been treated for a variety of mental health issues as well. All professional attempts to cause a reconciliation of the

daughter and Father had failed, despite Mother's encouragement of the child as to the reconciliation.

Almost 1000 pages of affidavits and exhibits were offered up for my review as to this review hearing. Two competing experts (one for the Father and one for the Mother) of great reputations in their field opined as to whether forced visitation and reconciliation should occur prior to the final hearing in this case.

I devised a plan through my order that limited Father's visitation to only therapeutic settings until the daughter engaged in significant abuse therapy and clarification with the Father. Both Father and Mother were also ordered to individual therapy. Another review hearing was ordered in 90 days.

While a parent's right to visit with their child free of interference from the other parent is important, so too is the best interest of the child, particularly an older child. This child had legitimate reasons for her reluctance to engage with or have a relationship with her Father. Her mental health and well-being had to be balanced against the Father's right to visitation.

(e) In the Interest of E.B., 2014-JU-18-47,-48, and -49, This case was one of my most important juvenile matters to date. The juvenile was only 10 years old when charged with carrying a weapon (a loaded handgun) on a school bus and pointing it at another student while riding on the bus. I presided over the adjudicatory hearing where the juvenile pleaded guilty to a negotiated guilty plea and the dispositional hearing(s) and review hearing in this case. Because of the minor's age at the time of the offense, environmental, medical and psychological factors, a comprehensive treatment plan was devised under my direction to ensure proper punishment to the juvenile along with treatment. In this case, I had to consider many factors when devising an appropriate sentence to effectively address punishment, treatment, rehabilitation, public safety, victim protections, and re-entry of the juvenile into a school setting.

Judge McGee further reported the following regarding unsuccessful candidacies:

I was unsuccessful in my application for Family Court, First Judicial Circuit, Seat One, in 2000.

(9) Judicial Temperament:
The Commission believes that Judge McGee's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge McGee to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The committee provided the following comment: "Conscientious, committed, great temperament, compassionate, very likeable, fair, excellent judge."

Judge McGee is married to Judy Hicks McGee. He has three children.

Judge McGee reported that he was a member of the following Bar and professional associations:

(a) South Carolina Conference of Family Court Judges – presently serving as President, 2023 Vice President, 2022 Secretary-Treasurer, member since 2013
(b) Chief Justice's Advisory Committee for Family Court – member 2022 to present
(c) South Carolina Bar Association – 1991 to present
(d) Orangeburg Bar Association – 2000 to present
(e) South Carolina Association of Justice – member until 2013 when elected judge
(f) Calhoun County Bar – 1991 to present
(g) Family Law Council – South Carolina Bar – past member
(h) First Circuit Public Defender Selection Committee – past member
(i) Calhoun County Public Defender Board – past member

Judge McGee provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Community Member, Seabrook Island Club
(b) Former Board Member, Calhoun Academy
(c) Member, Coterie Club (Social), St. Matthews, S.C.
(d) Member, S.C. Bar Pro Bono Board, Judicial Subcommittee, First Circuit
(e) President, S.C. Conference of Family Court Judges

(f) Member, Chief Justice's Advisory Committee for Family Court

(11) Commission Members' Comments:
The Commission commended Judge McGee on his positive BallotBox survey results and judicial demeanor.

(12) Conclusion:
The Commission found Judge McGee qualified, and nominated him for re-election to Family Court, At-Large, Seat 5.

The Honorable David Earl Phillips
Family Court, At-Large Judicial Circuit, Seat 6

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Phillips meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Phillips was born in 1970. He is 54 years old and a resident of Williamston, South Carolina. Judge Phillips provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1997.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Phillips.

Judge Phillips demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Phillips reported that he has not made any campaign expenditures.

Judge Phillips testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;

(c) asked third persons to contact members of the General Assembly prior to screening.

Judge Phillips testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Judge Phillips to be intelligent and knowledgeable.

Judge Phillips reported that he has taught or lectured at the following bar association conferences, educational institutions, or continuing legal or judicial education programs:

(a) Prior to serving as a Family Court Judge, I was a guest lecturer at a Clemson University Sociology class regarding juvenile justice issues;
(b) Prior to serving as a Family Court Judge, I lectured juvenile arbitration program volunteers in Anderson, South Carolina;
(c) I served (along with other newly elected Family Court Judges) as a panelist for a portion of a CLE at the 2013 South Carolina Bench Bar CLE in Columbia, South Carolina;
(d) I spoke at the "10th Circuit Tips from the Bench: What Your Judges Want You to Know," a CLE primarily for the members of the Tenth Circuit Bar about issues related to practice before the Family Court;
(e) In February 2023, I spoke at the 2023 Family Court Seminar held in Anderson, South Carolina. I was part of a panel discussion with other Family Court judges from the Tenth Judicial Circuit wherein we provided information we believed would be helpful to the Family Court bar.

Judge Phillips reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Phillips did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Phillips did not indicate any evidence of a troubled financial status. Judge Phillips has handled his financial affairs responsibly.

The Commission also noted that Judge Phillips was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Judge Phillips reported that he is not rated by any legal rating organization.

Judge Phillips reported that he has not served in the military.

Judge Phillips reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Phillips appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Phillips appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Phillips was admitted to the South Carolina Bar in 1997.

He gave the following account of his legal experience since graduation from law school:

(a) Chapman, Byrholdt & Yon. I served as an associate attorney at this firm from 1997 to 2004. I was initially hired by the late V. Laniel Chapman to assist him with workers' compensation matters; however, my practice areas quickly grew to include family court, workers' compensation, civil litigation, Social Security, and criminal defense. I was never responsible for administrative or financial management at this firm.

(b) Juvenile public defender. I served as the juvenile public defender in Anderson County for a period of approximately six months in late 2000 while employed at Chapman, Byrholdt & Yon.

(c) David E. Phillips, Attorney at Law, LLC. I was a sole practitioner from September 2004, through mid-May 2011. My practice areas included family court,

workers' compensation, civil litigation, and Social Security. I also handled criminal defense matters outside of the Tenth Judicial Circuit. I was employed as an assistant solicitor on a contract basis with the Tenth Circuit Solicitor's Office. I prosecuted juvenile matters and preliminary hearings in Anderson County from approximately 2005 until 2011. I was responsible for all administrative and financial management matters for my firm. I was not responsible for any of these matters at the Solicitor's Office.

(d) Tenth Circuit Solicitor's Office. In May 2011, I was hired full-time by the late Honorable Christina T. Adams, to serve as an assistant solicitor at her office. I was employed there from May 2011 to May 2013. I prosecuted juvenile matters, preliminary hearings, and civil forfeiture cases for the Solicitor's Office. I was never involved in the administrative or financial management matters of the Solicitor's Office.

(e) Family Court Judge, At-Large, Seat 6. I was elected by the South Carolina General Assembly to serve as a Family Court Judge in February 2013. I began serving July 1, 2013, and have served continuously in this office since then.

Judge Phillips reported that he has held the following judicial office(s): Family Court Judge, At-Large, Seat 6. July 1, 2013 to present. I was elected to this office by the South Carolina General Assembly. The Family Court's jurisdiction is set by statute. The court's jurisdiction includes, among other matters, divorce, separate support and maintenance, custody, child support, juvenile justice, child abuse and neglect, vulnerable adults, and adoptions. As a statutory court, the Family Court's jurisdiction is limited to those matters where the court is statutorily authorized to act.

Judge Phillips provided the following list of his most significant orders or opinions:

(a) Sweeney v. Sweeney: I heard this case over the course of five days. It was one of the first trials over which I presided as Family Court Judge. The case required me to consider and decide a large number of contested issues. Among the issues before me was the equitable apportionment of a large marital

estate, whether to award alimony to one of the spouses, the amount of alimony to award and whether to make findings of contempt. Both parties were represented by excellent, very experienced family law attorneys. The case was appealed by both sides. The Court of Appeals affirmed my decision on all but two out of more than a dozen issues. Among the issues the Court of Appeals affirmed were the overall division of the marital estate, the award and amount of alimony, the findings of contempt, and the award of attorneys fees. In this case, I drafted lengthy, detailed instructions and findings to be incorporated into the final order. The Court of Appeals noted in its decision that I had made extensive findings in my order. The Court of Appeals' published opinion is found at Sweeney v. Sweeney, 420 S.C. 69, 800 S.E.2d 148 (Ct.App. 2017). The South Carolina Supreme Court also reviewed this decision. The opinion of the South Carolina Supreme Court is found at 426 S.C. 229, 826 S.E.2d 299 (S.C. 2019).

(b) Clark v. Clark: I heard this case over the course of three days. The central issues at trial involved custody and placement of the parties' daughter. The case was very fact-specific. In it, I found exceptional circumstances existed to warrant joint custody with essentially equal placement of the parties' minor child with each parent. I made detailed findings in my order describing specifically the exceptional circumstances of this case that caused me to conclude that joint custody with equal placement of the minor child is in the best interest of this child. Excellent attorneys were involved in the trial and appeal of this case. The case was appealed, and the Court of Appeals affirmed my decision. The opinion is found at Clark v. Clark, 423 C. 596, 815 S.E.2d 772 (Ct.App. 2018).

(c) Collins v. Collins: This was a multi-day trial over which I presided. The lawyers who tried the case did an excellent job. The contested issues included, among other issues, determining the income of one of the parties, whether the business husband runs is marital or non-marital, determining whether the business had been transmuted into marital property, whether wife was entitled to a special equity interest in the business, equitable apportionment of the marital estate, alimony, child support and attorneys fees.

The Court of Appeals affirmed my decision in an unpublished opinion. The unpublished opinion is found at Collins v. Collins, Unpublished Opinion No. 2021-UP-110 (S.C. Ct. App. filed April 7, 2021).

(d) Garren et al v. Pittman: This was a two day trial over which I presided in March 2024. The lawyers did an excellent job advocating for their respective clients. An excellent attorney guardian ad litem also served in this case. The issues before the court involved termination of a father's parental rights and adoption by the minor children's step-father. There were unique factual issues in this case, and I issued an order which I found by clear and convincing evidence served the best interests of the minor children. I am not aware of any appeal in this case.

(e) Jackson v. Jackson: This case was before me in February 2022 for a two day trial. The parties were represented by excellent attorneys. The case involved contested issues as to equitable apportionment, transmutation, special equity, and attorneys fees, among other issues. Additionally, there were numerous assets I was required to address individually in my order. I made detailed findings of fact and conclusions of law in my order. The case was unique because of the legal issues before the court regarding whether certain property acquired before the marriage had been transmuted and, if not, whether the other party had acquired a special equity in said property. I am not aware of any appeal in this case.

Judge Phillips further reported the following regarding unsuccessful candidacies:

I was a candidate for Family Court Judge, Tenth Judicial Circuit, Seat 1. I was found qualified and nominated by the South Carolina Judicial Merit Selection Commission in that race; however, I withdrew just prior to the election in February 2009.

(9) Judicial Temperament:

The Commission believes that Judge Phillips's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Phillips to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related or summary statement.

Judge Phillips is married to Maryanne Evington Phillips. He has two children.

Judge Phillips reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar
(b) Anderson County Bar
(c) South Carolina Conference of Family Court Judges

Judge Phillips provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) South Carolina Conference of Family Court Judges
(b) I am a member of Mount Pisgah Baptist Church. My family and I are very active in our church. In the past five years, I have served as a deacon, Sunday School teacher, choir member, and praise band member.

Judge Phillips further reported:
God blessed me with parents who taught me so many things by example, not the least of which is a strong work ethic. May father worked full-time with IBM for thirty years including literally hundreds of hours of overtime each year and earned numerous awards for service. During this time, he also served as part-time minister of music and senior adults. He is now retired, but I believe he still works as many hours as he did prior to his retirement. Likewise, I have observed my mother work hard throughout my life. She was a stay-at-home mother to my brother and me when we were very young. She later returned to school and earned her college degree. She did so well, she was asked to return and teach, which she did for many years at Greenville Technical College. She is now retired but manages to work as hard now as she did when she was employed. I have brought this work ethic with me to the bench. I continue to take pride in being reliable and diligent in my work. As a

judge, the citizens of this state can count on me to continue working diligently to serve them as Family Court Judge.

I also had a broad, diverse background as a lawyer. For seven years, I practiced with a law firm in Anderson, South Carolina. For nearly seven years thereafter, I had my own office as a sole practitioner. I served as a full-time assistant solicitor for the last two years prior to my election to the office of Family Court Judge. Throughout my career, I have dealt with people of various backgrounds and personalities. The people skills I have developed during my life and career have served me well as a Family Court Judge. I have gained an enormous amount of experience during my first two terms as a Family Court Judge. I have presided over a large number of trials. Many of these cases were lengthy and difficult to decide. Through these trials, I have grown even more knowledgeable in the area of family law.

During my second term as a Family Court Judge, I am particularly proud that I served as the Chief Judge for Administrative Purposes for the Family Court in the Tenth Judicial Circuit during 2020 when we worked diligently to continue to serve our citizens during the COVID pandemic. I worked with the other judges in my circuit, clerks of court, court staff and administrative personnel during that year to implement new procedures authorized by the South Carolina Supreme Court for that period of time. I remain proud of how we have battled to move cases on our dockets since the COVID restrictions were removed.

I look forward to using my skills, experience, and knowledge as I continue to serve the people of this state as a Family Court Judge.

(11) Commission Members' Comments:

The Commission commended Judge Phillips' excellent temperament. They noted specifically that multiple comments alluded to him being the "gold-standard" in that category.

(12) Conclusion:

The Commission found Judge Phillips qualified and nominated him for re-election to Family Court, At-Large, Seat 6.

ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED

Kristian Cross
Administrative Law Court, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Cross meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Ms. Cross was born in 1982. She is 42 years old and a resident of Columbia, South Carolina. Ms. Cross provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Cross.

Ms. Cross 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. Cross reported that she has made $278.70 in campaign expenditures for postage, finger printing, postcards, and postage.

Ms. Cross 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. Cross 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. Cross to be intelligent and knowledgeable.

Ms. Cross reported that she has taught the following law-related courses:
(a) "Practice Makes Perfect: Successful Tips for a Workers' Compensation Practice," 3-hour CLE presentation at SC Bar

Conference, course planner and moderator, January 18, 2024.

(b) "Compensability Now and Claims Handling Post COVID-19," 1-hour CEU panel discussion to the Florida RIMS Educational Conference, July 29, 2021 (Naples, FL).

(c) "Telemedicine and WFH's Role in Workers' Compensation Post-COVID-19," 1-hour CEU presentation to Insurance Claims and Risk Management Professionals, June 20, 2021 (Dallas, TX).

(d) "Compensability Now and Claims Handling Post COVID-19 Vaccine," 1-hour panel discussion CLM Workers' Compensation and Retail, Restaurant and Hospitality Conference, May 14, 2021 (Virtual).

(e) "Compensability of COVID-19 Claims," 1-hour CEU panel discussion to Aon Risk Services, Inc., April 30, 2020 (Virtual).

(f) "So You Want To Be A Judge," 1-hour CLE to the South Carolina Black Lawyers' Association, September 30, 2016 (Columbia, SC).

(g) "Examination of a Workers' Comp Claim from A to Z", 1-hour CLE to the South Carolina Black Lawyers' Association, September 2014 (Greenville, SC).

(h) "The Proactive Approach to Workers' Compensation Claims," 1-hour CLE presentation to the South Carolina Chapter of the Association of Corporate Counsel, June 14, 2013.

(i) Common Mistakes to Avoid Once a Claim Occurs, South Carolina National Safety Council Seminar, "Keeping Your Business Safe: Securing Your Bottom Line by Avoiding Litigation," August 2011.

(j) Free Seminar Series: How to Avoid the Pitfalls of Litigation: Tips to Keep Your Company out of Court, July 29, 2010.

(k) "Chevron:We hardley Knew Ye," 1-hour Lunch & Learn CLE for the Administrative Law Section of the South Carolina Bar, Panelist, October 31, 2024.

Ms. Cross reported that she has published the following:

(a) 6 Mistakes Managers Make in Performance Reviews, JDSupra.Com, December 2014.

(b) Court of Appeals Upholds Commission's Order that Claimant Suffered No Change of Condition, South Carolina Workers' Compensation Law Blog, April 2014.

(c) Harassment and Discrimination in the Workplace: How much does it really cost your business? South Carolina Employment Law Blog, January 2014.

(d) And to all a Good Night: 10 Things to Avoid During your Holiday Party, South Carolina Retail/Hospitality Law Blog, December 2013.

(e) Avoid the 'Summer Blues': Things to Consider as You Prepare Your Firm For Summer Associate Programs, The Defense Line, volume 41, issue 1, Summer 2013.

(f) Managing Litigation Risk: Practice Pointers "From Soup To Nuts," Kristian M. Cross and Brian Comer, Association of Corporate Counsel South Carolina Chapter Newsletter, December 2012.

(g) Workers' Compensation Issues in Doscher's Case, South Carolina Retail/Hospitality Law Blog, June 2012.

(h) Court of Appeals Finds Employer/Carrier Entitled to Partial Reimbursement from the Second Injury Fund, South Carolina Workers' Compensation Law Blog, June 2012.

(i) SCWCC Accepts Administrative Guidelines for Interpreters/Translators, South Carolina Workers' Compensation Law Blog, March 2012.

(j) Workers' Compensation Settlements and MSAs, South Carolina Workers' Compensation Law Blog, August 2011.

(k) Dorothy, You're Not in Law School Anymore, South Carolina Young Lawyer Magazine, February 2011, Contributing Editor.

2010 Tort Law Desk Reference - A Fifty State Compendium, Contributing Editor.

(l) 2009 Tort Law Desk Reference - A Fifty State Compendium, Contributing Editor.

(4) Character:

The Commission's investigation of Ms. Cross did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Cross did not indicate any evidence of a troubled financial status. Ms. Cross has handled her financial affairs responsibly.

The Commission also noted that Ms. Cross 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. Cross reported that her rating by a legal rating organization, National Black Lawyers, is Top 100 Lawyers-Workers' Comp.

Ms. Cross reported that she has not served in the military.

Ms. Cross reported that she has held the following public office:
(a) South Carolina Board of Accountancy, At-Large Board Member 2012 – 2013, appointed by Governor Nikki Haley.
(b) Judicial Merit Selection Commission, 2013 – 2017, appointed by president pro tempore of the S.C. Senate.

(6) Physical Health:
Ms. Cross appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Ms. Cross appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Ms. Cross was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experience since graduation from law school:
(a) Maynard Nexsen (formerly Nexsen Pruet), 2007 – 2010. Insurance defense attorney.
(1) Antitrust and Unfair Competition Associate, 2007 – 2008.
(2) Business and Commercial Litigation Associate, 2008 – March 2010.
(b) Collins & Lacy, P.C., 2010 – 2014. Senior associate practicing in workers' compensation (80%), employment law (10%) and premises liability (10%) defense.
(c) Dickie McCamey & Chilcote, P.C., 2015 – 2020. Of counsel practicing in workers' compensation defense.
(d) Vernis & Bowling, LLC, 2020 – 2022.

(1) Department Managing Attorney practicing in workers' compensation defense from March 2020 – 2021. Managed office operating accounts for Columbia office. No handling of trust accounts
(2) Managing Attorney of South Carolina from 2021 – 2022 practicing in the areas of workers' compensation (80%) and insurance defense (20%). Managed office operating accounts for Charleston and Columbia offices. No handling of trust accounts.
(e) Morgan and Morgan, PLLC, 2022 – present. Practicing in workers' compensation representing injured workers.

Ms. Cross further reported regarding her experience with the Administrative Law Court practice area:

I have appeared in Circuit Court twice within the last five years for approval of minor settlements. Although, I have not appeared before an Administrative Law Court judge within the last five years, I regularly appear before the Workers' Compensation Commission, which is a similarly situated state agency that falls under the executive branch and whose contested hearings follow the Administrative Procedures Act.

Ms. Cross reported the frequency of her court appearances during the past five years as follows:
(a) Federal: 0%;
(b) State: Appeared in Circuit Court twice within the last five years.

Ms. Cross reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 10%;
(b) Criminal: 0%;
(c) Domestic: 0%;
(d) Other: 90%

Ms. Cross reported the percentage of her practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%
(b) Number of cases that went to trial and resulted in a verdict: 9
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0

(d) Number of cases settled after jury selection but prior to opening statements: None

Ms. Cross provided that during the past five years she most often served as sole counsel.

The following is Ms. Cross's account of her five most significant litigated matters:

(a) In re Polyester Staple Fiber, U. S. District Court for the District of South Carolina, was my first and only federal case to go to trial. It ended in obtaining the largest settlement in firm history to date.

(b) Bristow Oil v. Exxon Mobil and White Oil, Darlington County Circuit Court, was my first trial to verdict and was a "David v Goliath" type of victory.

(c) Mary Luginsland v. Remac Corp. and EMC Insurance, S.C. Workers' Comp. Commission was my first litigated case to decision as a claimant's attorney.

(d) Wilbert Butler v. Schneider National Carriers, Inc. and Old Republic Insurance Co., S.C. Workers' Comp. Commission, was a significant case to me due to all of the unique issues that presented during the case. It was one of those cases in which everything that could go wrong, did go wrong. However, we were ultimately able to obtain a favorable ruling for his benefits.

(e) Dwayne Lee v. Waste Management and Indemnity Insurance Company of N.A., Appellate Panel of the S.C. Workers' Comp. Commission, December 15, 2023, was a significant case to me due to the nature in which the case came into the firm. Mr. Lee had represented himself for over a decade. Due to a few procedural issues he missed towards the end of his case, he received an unfavorable ruling that could have prevented him from obtaining all of the benefits he was entitled to receive under the Workers' Compensation Act. He retained the firm shortly before the deadline to appeal; however, we were able to meet the deadline and ultimately get his case reversed and remanded.

The following is Ms. Cross's account of the civil appeal she has personally handled:

(a) Dwayne Lee v. Waste Management and Indemnity Insurance Company of N.A., Appellate Panel of the S.C. Workers' Comp. Commission, December 15, 2023.

Ms. Cross reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:
The Commission believes that Ms. Cross's temperament would be excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Cross 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: "Well Qualified, no need for comments."

Ms. Cross is married to Justin Bruce Gerwe. She does not have any children.

Ms. Cross reported that she was a member of the following Bar and professional associations:
(a) South Carolina Bar – Workers' Compensation Section
(1) Chair, July 1, 2024 – present.
(2) Vice-Chair, July 1, 2022 – June 30, 2024.
(3) Secretary, July 1, 2021 – June 30, 2022.
(b) South Carolina Black Lawyers' Association
(c) Richland County Bar
(d) South Carolina Women Lawyers' Association
(e) Injured Workers' Advocates
(f) South Carolina Association for Justice
(g) South Carolina Workers' Compensation Educational Association

Ms. Cross provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Delta Sigma Theta Sorority, Incorporated
(b) Columbia (SC) Chapter of the Links, Incorporated
(1) Vice-President

(2) Membership Chair
(3) Technology Chair
(4) Health & Human Services Committee Chair

Ms. Cross further reported:
I have wanted to be a judge for as long as I can remember. Some of my earliest memories are of seating my teddy bears and dolls as jurors for the trials I presided over. However, it wasn't until I began practicing law that the "why" became clear. I deeply value the rules and processes that make our courts work. As an actively practicing litigator, I have had great courtroom experiences and not so great experiences. I think it is imperative that judges be an example of civility, patience and fairness. A large number of the public will never see the inside of a courtroom in their lifetimes. The ones who do may find the court process scary, frustrating or confusing. A judge's demeanor can have a large effect on how a lawyer or member of the public views our court system. I plan and hope to be a judge known for having a steady, patient and courteous demeanor so lawyers and litigants leave the courtroom feeling heard and respected regardless of the outcome of their case.

(11) Commission Members' Comments:
The Commission commented that Ms. Cross has an impressive resume and is thought of highly by her peers.

(12) Conclusion:
The Commission found Ms. Cross qualified, and nominated her for election to Administrative Law Court, Seat 2.

The Honorable Bryan S. Jeffries
Administrative Law Court, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Jeffries meets the qualifications prescribed by law for judicial service as an Administrative Court judge.

Judge Jeffries was born in 1975. He is 49 years old and a resident of West Columbia, South Carolina. Judge Jeffries provided in his application that he has been a resident of South Carolina for at least the

immediate past five years and has been a licensed attorney in South Carolina since 2002.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Jeffries.

Judge Jeffries 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 Jeffries reported that he has made $34.22 in campaign expenditures for candidate business cards.

Judge Jeffries 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 Jeffries 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 Jeffries to be intelligent and knowledgeable.

Judge Jeffries reported that he has taught the following law-related courses:

(a) University of South Carolina School of Law- instructing social services professionals working with Department of Social Services and juvenile justice professionals working with the Department of Juvenile Justice. In instruct these professionals on legal standards, constitutional law and administrative processes. I also participate in mock trial proceedings in a training format on behalf of the law school.

(b) Orangeburg-Calhoun Technical College-taught courses in criminal law and civil procedure to paralegal associate degree candidates.
(c) South University-taught courses in criminal law and business law to legal studies bachelor's degree candidates.

Judge Jeffries reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Jeffries did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Jeffries did not indicate any evidence of a troubled financial status. Judge Jeffries has handled his financial affairs responsibly.

The Commission also noted that Judge Jeffries 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 Jeffries reported that he is not rated by any legal rating organization.

Judge Jeffries reported that he has not served in the military.

Judge Jeffries reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Jeffries appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Jeffries appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Jeffries was admitted to the South Carolina Bar in 2002.

He gave the following account of his legal experience since graduation from law school:

Upon graduation in May of 2002, I accepted a position as Assistant Solicitor for the Fifth Circuit Solicitor's Office, primarily prosecuting violent criminal cases in Richland and Kershaw Counties. During this period, I also served on the Richland County Grievance Committee hearing administrative appeals. I accepted a position as First Assistant Solicitor for the First Circuit Solicitor's Office prosecuting violent criminal cases in Calhoun, Orangeburg and Dorchester Counties in January of 2005. In this role I supervised a team of six prosecutors and acted as special violent crime prosecutor for the circuit. I also coordinated the general sessions terms of court in Orangeburg County. I worked in this capacity from January 2005-January 2008. In January 2008, I started private law practice but remained employed by the First Circuit Solicitor's Office as a part-time assistant solicitor. I started Jeffries Law Firm, LLC as owner and operator. I managed the two-attorney law firm's operating account as well as it's trust account. I practiced primarily administrative law, with cases involving social security disability and bankruptcy. In addition to this, I practiced administrative law on behalf of Orangeburg County in employee grievance matters prior to becoming a judge in 2018. I also handled criminal defense, civil rights, personal injury, and family court abuse and neglect cases.

During my 20 years of private practice, I worked at different times by part-time contract through my law firm, as an attorney for the South Carolina Commission on Indigent Defense (SCCID), the South Carolina Human Affairs Commission (SCHAC), Orangeburg County and the University of South Carolina School of Law. I also worked as a hearing officer for the South Carolina Department of Health and Human Services (SCDHHS) and South Carolina Department of Unemployment and Workforce (SCDEW) by contract. I continued with the First Circuit Solicitor's Office as a part-time prosecutor handling domestic violence and DUI prosecutions from January 2008 until November 2019. I started as a part-time municipal judge for the City of Columbia Municipal Court in July 2018 and as a part-time Chief Judge for the City of Cayce in May 2019. As an attorney, I continued to practice primarily administrative law regularly representing clients before Federal Administrative Law Judges (ALJ) of the Social Security Administration in South Carolina, North Carolina and Georgia until February 2023.

I worked as a contract hearing officer for SCDHHS from November 2012 until February 2023 in a quasi-judicial administrative law fact-

finder role, hearing South Carolina Medicaid appeals cases. In that role I served as an independent and impartial trier of fact in formal proceedings following appeals from SCDHHS agency decisions. I made on the record written decisions following hearings. Those wishing to appeal my decisions would request review by the South Carolina Administrative Law Court. The hearings I presided over are required pursuant to state statutes involving the South Carolina Medicaid program. I primarily heard provider payment and disability eligibility matters. As hearing officer, I also oversaw settlement negotiations in advance of hearings, ruled on preliminary motions, and conducted pre-hearing conferences. I conducted hearings involving both written and oral testimony and allowing for cross-examination. I also typically reviewed briefs prior to issuing written decisions. I prepared and issued these decisions, along with written findings of fact and conclusions of law therein, upon consideration of the whole record, or those parts of it cited by a party and supported by and in accord with reliable, probative, and substantial evidence.

I left the law firm and my hearing officer position with SCDHHS in February 2023 to accept a full-time position as Associate Municipal Judge for the City of Columbia Municipal Court. I was appointed Chief Administrative Judge for the City of Columbia Municipal Court in August of 2024. I currently serve in this capacity.

Judge Jeffries further reported regarding his experience with the Administrative Law Court practice area:

As an attorney over the past five years prior to February 2023 when I became a full-time judge, I appeared before Administrative Law Judges (ALJs), representing clients, in 4-5 hearings a week. These were hearings before ALJs assigned to the Social Security Administration in social security disability cases. The issues that were determined involved a claimant's eligibility for Social Security Disability coverage under Title II or Title XVI of the Social Security Act. The hearings typically involve a sequential analysis of written and testimonial evidence to determine if a claimant is entitled to disability benefits.

As a hearing officer for SCDHHS over the past 5 years prior to February 2023 when I became a full-time judge, I conducted hearings involving both written and oral testimony and allowing for cross-examination. I typically reviewed briefs, examined evidence, heard testimony and issued written decisions. I prepared and issued these decisions, along

with written findings of fact and conclusions of law therein, upon consideration of the whole record, or those parts of it cited by a party and supported by and in accord with reliable, probative, and substantial evidence. I was assigned approximately 10 appeals per month.

Judge Jeffries reported the frequency of his court appearances prior to his service on the bench as follows:
(a) Federal: 70%;
(b) State: 30%,

Judge Jeffries reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) Civil: 5%;
(b) Criminal: 15%;
(c) Domestic: 0%;
(d) Other: 80%.

Judge Jeffries reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: 80%;
(b) Number of cases that went to trial and resulted in a verdict: 600+ decisions in administrative hearings and 30+ verdicts in criminal prosecution cases.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 10+ guilty pleas and/or directed verdicts in criminal prosecutions following State's case in criminal prosecutions I handled.
(d) Number of cases settled after jury selection but prior to opening statements: 3-4 times over five years of prosecution prior to becoming a full time judge.

Judge Jeffries 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 Jeffries' account of his five most significant litigated matters:
(a) State v Jeroid Price- I represented the State in the Richland County Court of General Sessions. The defendant was convicted of murder following a jury trial. The case involved a gang-related homicide of a University of North Carolina football player at a local night club. I was

a second chair prosecutor during the trial. A unique issue for the jury's consideration was the proximate cause of death in that the victim was shot by multiple assailants. This case received significant media attention. The sentence was 35 years in prison.

(b) State v Hercules Mitchell- I personally handled this case, representing the State in the Orangeburg County Court of General Sessions. I was the first chair prosecutor. The defendant was tried and convicted of murder in a jury trial that received significant media attention. The sentence was 33 years in prison.

(c) State v Jimmy Taylor- I personally handled this case, representing the State in the Orangeburg County Court of General Sessions. I was the first chair prosecutor. The defendant was tried and convicted of four counts of felony driving under the influence involving death in a jury trial that received significant media attention. The defendant killed a family of four in a head-on collision while driving in an intoxicated state. A unique issue for the jury to determine was proximate cause of death in that the victims' vehicle was struck by multiple cars. The sentence was 20 years in prison.

(d) State v Lindy Jones- I personally handled this case as a prosecutor in the Orangeburg County Court of General Sessions. I was the first chair prosecutor. The defendant was tried and convicted of criminal sexual conduct with a minor in a jury trial that received significant media attention. Mr. Jones was sentenced to 16 years in prison for raping his step-daughter.

(e) State v Phillip Jackson- I personally handled this case as a prosecutor in the Richland County Court of General Sessions. I was the second chair prosecutor. The defendant was tried and convicted of murder in a jury trial that received significant local media attention. Jackson stabbed the victim several times in a dispute over illegal drugs. The sentence life in prison with no possibility of parole.

Judge Jeffries reported that he has not personally handled any civil appeals.

The following is Judge Jeffries's account of five criminal appeals he has personally handled:

(a) Henry Haygood v State-Orangeburg County Court of Common Pleas, 3/1/2010
(b) William McCoy v State- Florence County Court of Commons Pleas, 9/11/2009

(c) David Suarez v State- Orangeburg County Court of Common Pleas, 3/29/2016
(d) Jeffrey Weston v State- Richland County Court of Common Pleas, 7/9/2008
(e) Bobby Bell v State- Richland County Court of Common Pleas, 7/20/2010

Judge Jeffries reported that he has held the following judicial office(s):
(a) Municipal Judge, July 2018-present, City of Columbia Municipal Court, appointed
(b) Municipal Judge, May 2019-present, City of Cayce Municipal Court, appointed

Judge Jeffries provided the following list of his most significant orders or opinions:
Municipal Courts are summary courts. There are no significant orders or opinions issued.
These are Orders I issued as a Hearing Officer for the SCDHHS:

(a) Human-Yelvington v SCDHHS, Order of Dismissal of Appeal
(b) S.H. v SCDHHS v SCDHHS, Order of Dismissal of Appeal
(c) C.W. v Carolinas Hospital Systems Final Administrative Decision
(d) EMS v SCDHHS, Order of Dismissal of Appeal
(e) Hospice of Charleston v SCDHHS, Order of Dismissal of Appeal

Judge Jeffries reported the following regarding his employment while serving as a judge:

I became a full-time associate municipal judge with the City of Columbia Municipal Court in February 2023 following working as a part-time judge with this court since July of 2018. I have continued to work, by contract, for the USC School of Law participating in mock trials as part of the basic training for new-hire caseworkers for the South Carolina Department of Social Services (SCDSS) since accepting the full-time judge position. My supervisor is Kimberly Brooks, Children's Law Center, USC School of Law. She is the program manager for the SCDSS basic training program. I have worked with this program since July 16, 2021.

Judge Jeffries further reported the following regarding unsuccessful candidacies:
(a) Unsuccessful candidate for South Carolina House District 95 in 2010.
(b) Unsuccessful candidate for South Carolina Administrative Law Court in 2016. Found qualified but not nominated.

(9) Judicial Temperament:
The Commission believes that Judge Jeffries's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Jeffries 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: "Well qualified. No comment necessary."

Judge Jeffries is married to Lakesha White Jeffries. He has three children.

Judge Jeffries reported that he was a member of the following Bar and professional associations:
(a) Member, SC Bar Diversity Committee 2019-present
(b) Member, SC Bar Children's Law Committee 2021-present
(c) Member, Richland County Bar 2022-present

Judge Jeffries provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Member, Rotary International, Cayce-West Columbia Chapter 2023-present
(b) Ambassador for Racial Justice, Georgetown Law-2022
(c) Member, Brotherhood, Brookland Baptist Church, 2023-present

Judge Jeffries further reported:

My ultimate career goal has always been to serve my community as a judge. I have found the 6 years serving as a municipal judge in the city I grew up in to be the most fulfilling of my 21-year legal career. I strongly believe in public service, so I have opted for public sector employment my entire legal career. The position of judge is the ultimate public legal service in my estimation. My deceased aunt and mentor, Judge Sandra Townes, was a Federal District Court Judge in the Eastern District of New York before she passed away in 2018. She grew up in Spartanburg, South Carolina but spent her career working in the state of New York. She was my favorite aunt and took a special interest in me during my childhood and throughout my educational and early professional years. She was appointed as a Federal District Judge after having served on the State Circuit Court, Appellate Division and Court of Appeals in New York. Before that she worked as both a state prosecutor and municipal judge in Syracuse, New York. She was truly my idol. It was no coincidence that the start of my legal career in South Carolina in large part mirrored the start of her legal career in New York. She repeatedly told me that her ability to review all legal matters with an independent and unbiased eye is what served her best. I hope to use my own ability to do the same if given the opportunity on the Administrative Law Court.

(11) Commission Members' Comments:
The Commission members commended Judge Jeffries's commitment to public service, and felt his experience with Administrative Law Court hearings and as a municipal judge were excellent preparations to serve on the Administrative Law Court

(12) Conclusion:
The Commission found Judge Jeffries qualified, and nominated him for election to Administrative Law Court, Seat 2.

Samuel L. Johnson
Administrative Law Court, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Johnson meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Mr. Johnson was born in 1984. He is 40 years old and a resident of West Columbia, South Carolina. Mr. Johnson 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 2011.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Johnson.

Mr. Johnson 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. Johnson reported that he has made a total of $435.50 in campaign expenditures for envelopes, fingerprinting, notarization fee, postage, postcards, labels, paper, ink, and a name tag.

Mr. Johnson 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. Johnson 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. Johnson to be intelligent and knowledgeable.

Mr. Johnson reported that he has taught the following law-related courses:

(a) I led a panel discussion for the following SC Bar CLE program: *Road Trip: A Tour of the Office of Motor Vehicle Hearings* (October 14, 2020), as part of the broader CLE program: *The 2020 SCAARLA Update – The Pandemic Edition*. This program focused on implied consent hearings and involved a discussion of the most important cases that parties should know going into these hearings, as well as the

common mistakes that attorneys and officers make during implied consent hearings.

(b) Once a year, and almost every year for perhaps the last ten or more, I have joined Chief Judge Tripp Anderson and Judge Phil Lenski, both of the ALC, in speaking to law students at the Rice School of Law for a class entitled "Law Practice Workshop," which has been hosted by Professors Robert Bockman and Alan Medlin. While the judges spoke about the ALC, the types of cases heard by the court, and practicing before the court, I have spoken about the duties of a staff attorney at the ALC, the nature of proceedings and subject matter heard before the DEW Appeals Tribunal (where I then served as a hearing officer), and the nature of proceedings and subject matter heard before the OMVH (where I currently serve as a hearing officer).

Mr. Johnson reported that he has published the following:
EAGLE VERSUS PHOENIX: A TALE OF FEDERALISM, 7 S.C. J. INT'L L. & BUS. 109 (2010).

(4) Character:
The Commission's investigation of Mr. Johnson did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Johnson did not indicate any evidence of a troubled financial status. Mr. Johnson has handled his financial affairs responsibly.

The Commission also noted that Mr. Johnson 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. Johnson reported that he is not rated by any legal rating organization.

Mr. Johnson reported that he has not served in the military.

Mr. Johnson reported that he has never held public office other than judicial office.

(6) Physical Health:
Mr. Johnson appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Johnson appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Johnson was admitted to the South Carolina Bar in 2011.

He gave the following account of his legal experience since graduation from law school:

(a) Judicial Law Clerk to the Hon. W. Jeffrey Young, Third Judicial Circuit, August 2011 to June 2012: I conducted legal research, drafted memoranda, and occasional opinions; drafted charges and verdict forms for common pleas and general sessions jury trials; coordinated the Judge's schedule, in terms of scheduling hearings, meetings, or conference calls; updated the common pleas roster by contacting the attorneys for status updates; and responded to attorney's questions or concerns and apprised them of the Court's decisions.

(b) Staff Counsel for the Honorable Ralph King Anderson, III, Chief Judge and the Honorable S. Phillip Lenski, South Carolina Administrative Law Court (ALC), June 2012 to January 2018: I conducted legal research; drafted or edited judicial opinions in contested and appellate cases involving various state agencies; and advised the Judges on legal questions arising from hearings and submitted legal documents.

(c) Administrative Hearing officer for the South Carolina Department of Employment and Workforce (DEW), as part of its Appeals Tribunal, January 2018 to July 2018: I conducted hearings in matters relating to unemployment insurance, employment tax, and related issues; examined employer and claimant witnesses, collected evidence, and made evidentiary and motion rulings; and issued orders containing findings of fact and determinations on the issues addressed in the hearings.

(d) Staff Counsel for the Honorable H. William Funderburk, Jr., July 2018 to November 2018: (See previous ALC experience set forth above.)

(e) Administrative Hearing Officer for the South Carolina Office of Motor Vehicle Hearings, November 2018 to present: I conduct hearings in matters involving the suspension or revocation of driver's licenses relating to, *inter alia*, implied consent from operators of motor vehicles to drug and alcohol testing by law enforcement; habitual offenders; financial responsibility of uninsured motorists, and incapacity to continue operating a motor vehicle; examine witnesses, collect evidence, and make evidentiary and motion rulings; issue orders containing findings of fact and conclusions of law as to the issues addressed in the hearings; and issue orders on motions to dismiss.

Mr. Johnson further reported regarding his experience with the Administrative Law Court practice area:

I have not appeared before either the Administrative Law Court or Circuit Court in the last five years in a litigation capacity, but I have observed many cases before the ALC over a period of approximately six years and been involved in writing orders resulting from the those cases as staff counsel to three different Administrative Law Court Judges. These cases involved corporate and county tax cases; DHEC permitting cases, such as for docks, landfills, stormwater permits, and certificates of need; beer-and-wine permit and liquor licenses cases; DNR violations. I have also addressed in orders issues arising in appeals from agencies such as LLR, PPPS, SCDC, and DEW.

Mr. Johnson reported the frequency of his court appearances during the past five years as follows:

(a) Federal: None;

(b) State: None, though I have been in "court" is a quasi-judicial capacity as a hearing officer twice and sometimes three times a week during the past five years. Prior to being a hearing officer, my appearances in court were in support of judges, not as counsel.

Mr. Johnson reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

(a) Civil: None as a litigator, but all of my experience during the last five years has been in administrative law;
(b) Criminal: None;
(c) Domestic: None;
(d) Other: N/A.

Mr. Johnson reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice in trial court, including cases that settled prior to trial: N/A.
(b) Number of cases that went to trial and resulted in a verdict: N/A.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: N/A.
(d) Number of cases settled after jury selection but prior to opening statements: N/A.

Mr. Johnson provided that during the past five years he did not serve as either sole counsel, chief counsel, or co-counsel.

Mr. Johnson reported he has not personally handled any civil or criminal appeals.

Mr. Johnson reported that he has held the following judicial office(s):
I have served twice, and am currently serving, in a quasi-judicial capacity as an administrative hearing officer. I served from January 2018 to June 2018 as a hearing officer for the South Carolina Department of Employment and Workforce. I was hired by the agency, so I was not elected or appointed. My jurisdiction was statewide and involved, inter alia, the authority to restore, restrict, or remove unemployed individuals' unemployment insurance benefits. However, I did not have contempt powers or the ability to impose fines and/or imprisonment. I have held my current position as a hearing officer for the South Carolina Office of Motor Vehicles (OMVH) since November 2018. I was working for the Administrative Law Court when I was hired by Chief Judge Anderson as a hearing officer for OMVH. My jurisdiction is statewide; indeed, I have held hearings in Columbia, Orangeburg, Sumter, Chester, and Greer for cases arising from those and the surrounding counties. I have the authority to uphold or rescind the suspension of driver's licenses in various types of cases, such as implied consent, financial responsibility, points accumulation, habitual offender cases. I also have the authority to grant habitual offender suspension reductions and to deny or grant auto

dealer licenses. However, I do not have contempt powers or the ability to impose fines and/or imprisonment.

Mr. Johnson provided the following list of his most significant orders or opinions:

(a) West Columbia Police Department and S.C. Dep't of Motor Vehicles v. McKie, 23-OMVH-01-1332-CC (June 9, 2023): This case involved a traffic stop for speeding that led to an arrest for DUI. There had been numerous evidentiary objections and rulings, which I ruled on in my order. I sustained objections as to the admission of the breath alcohol analysis test report and DataMaster video based on a lack of foundation and because the business records exception to hearsay, under Rule 803(6), SCRE and S.C. Code Ann. § 19-5-510 (Rev. 2014), was not established. I also overruled objections to the body-armor and in-car videos because the officer, who was in them, testified to having firsthand knowledge of their contents and was subject to cross-examination regarding the footage. Moreover, I concluded that the traffic stop was lawful based on Respondent's speeding and that the officer had reasonable suspicion to administer standardized field sobriety tests based on the speeding and Respondent's admission to consuming alcohol at the location from which he had been driving. However, I concluded there was insufficient evidence, based on the video footage, of Respondent's material and appreciable impairment to elevate the reasonable suspicion to probable cause for the driver's arrest for DUI. I observed only one clue of impairment (taking an additional step) during the walk-and-turn and one-leg-stand tests (the horizontal gaze nystagmus test was not observable), and the officer had only given general testimony regarding these tests. He also had no slurred speech or other physical indication of impairment. Even Respondent's driving did not demonstrate impairment, as he did not weave within his lane and properly used a turned signal and properly turned when pulling over for the stop. Finally, I concluded that based on my evidentiary rulings, there was no admitted evidence that Respondent had been advised, either verbally, or in writing, of his implied consent rights, or that he had refused to provide a breath

sample. Consequently, I rescinded the suspension of Respondent's driver's license or driving privilege.

(b) Lexington Police Dep't and S.C. Dep't of Motor Vehicles v. Peloso, 20-OMVH-01-4889 (May 11, 2021) (aff'd Peloso v. Lexington Police Dep't and S.C. Dep't of Motor Vehicles, S.C. Admin. Law Ct., 21-ALJ-21-0152-AP, 2021 WL 4557271 (Sept. 30, 2021)): This implied consent refusal case challenged whether testimonial evidence alone was sufficient to establish the element of advisement of implied consent rights, whether testimonial evidence of a verbal advisement of the implied consent rights alone without evidence of them also being given in writing as mentioned in the statute (Section 56-5-2951(F)(2)) was sufficient, and whether the officer's failure to provide evidence of his certification to operate the DataMaster machine meant that the State failed to meet its burden of proof. I held that the testimonial evidence was sufficient; that, pursuant to Taylor v. S.C. Dep't of Motor Vehicles, 382 S.C. 567, 570-71, 677 S.E.2d 588, 590 (2009), the verbal advisement alone was sufficient because Respondent established no prejudice from being advised of his implied consent rights only verbally; and that, pursuant to State v. Jansen, 305 S.C. 320, 408 S.E.2d 235 (1991), the officer's lack of evidence of his certification to operate the DataMaster machine was irrelevant because the case involved a refusal to take the breath test machine. I further added that even that there been procedure failures during the test that I could consider, counsel untimely raised his objections in closing, pursuant to S.C. Dep't of Motor Vehicles v. Brown, 406 S.C. 626, 753 S.E.2d 524 (2014).

(c) S.C. Dep't of Public Safety and S.C. Dep't of Motor Vehicles v. Samuel, 22-OMVH-01-1874-CC (Nov. 2, 2022): This case regarding a refusal to provide a blood sample involved numerous evidentiary challenges, such as lack of foundation, hearsay, and original document versus a duplicate. I sustained some of the objections, such as to the original documents being required, concluding, after an exhaustive analysis of the South Carolina Rules of Evidence (specifically, Rules 1001-1005, SCRE) and the Administrative Procedures Act (specifically Section 1-23-330(2)), that duplicates of documents would not be admitted

into evidence unless the originals thereof were not readily available. I also overruled some hearsay objections because the evidence was not being offered to prove the truth of the matter asserted. And some evidence, such as the advisement of implied consent rights, was admitted through testimonial evidence notwithstanding Petitioners' inability to have the advisement form admitted into evidence. I also found that the foundation for the SLED Urine/Blood Collection Report to have been laid through testimonial evidence that had not been contemporaneously objected to. I further concluded that the blood test was validly offered in lieu of a breath test because licensed medical personnel had given their opinion that Respondent could not take a breath test. Though there was no evidence offered as to the specific reason given by the physician or the validity of that reason, this was not required pursuant to Sanders v. S.C. Dep't of Motor Vehicles, 431 S.C. 374, 848 S.E.2d 768 (2020).

(d) S.C. Dep't of Motor Vehicles v. Hagler, 23-OMVH-04-2514-CC (Aug. 8, 2023): In this financial responsibility case, I concluded that although Respondent was still registered as the owner of a vehicle involved in a reportable collision that did not have verifiable liability insurance coverage on it, Respondent was not the "true owner" of the vehicle for insurance purposes, pursuant to the factors set forth in Unison Ins. Co. v. First S. Ins. Co., 319 S.C. 419, 462 S.E.2d 260 (1995). Though Respondent was still the titleholder, which is prima facie evidence of ownership of the vehicle, Respondent demonstrated successfully rebutted this presumption by showing that he had issued a bill of sale to his daughter; which had been notarized; his daughter, who had been the at-fault driver in the collision, had taken sole possession of the vehicle since the execution of the bill of sale; his daughter had obtained her own insurance policy on the vehicle (though it was later cancelled for nonpayment), for which she was responsible for making payments; his daughter paid for all maintenance and repairs for the vehicle after the executing the bill of sale and prior to the collision; and his daughter had entered into an installment agreement with the owner of the other vehicle involved in the collision. Therefore, I concluded that Respondent's daughter was the true owner of the vehicle at issue, and that the suspension of

Respondent's driver's license or driving privilege should be rescinded. I also noted that I would have rescinded the suspension imposed under Section 56-9-351 anyhow pursuant to an exception provided in Section 56-9-352(7)(d) because there was a duly acknowledged written installment agreement executed between Respondent's daughter and the subrogee of the other party involved in the collision.

(e) Martin v. S.C. Department of Motor Vehicles, 23-OMVH-03-5193 (February 23, 2024): This case involved a twice-declared habitual offender. Nevertheless, I decided that a reduction was warranted based on the facts. Petitioner's first habitual offender suspension involved three driving-under-suspension (DUS) violations that had occurred over twenty years prior to the hearing, and his first habitual offender suspension had ended fifteen years prior to the hearing (and he had not requested a reduction). Moreover, Petitioner's second habitual offender suspension also involved three DUS violations, none of which were related to drugs or alcohol and none of which posed a direct threat to the public through dangerous driving; one instance involved him driving a friend home, and the others involved him driving to work. Further, Petitioner's last violation had occurred over five years prior to the hearing, and he had not driven since. He had also paid all of his fines and fees and was leading a stable, productive life, with less than eight months to serve on his suspension. Therefore, I concluded that Petitioner's second habitual offender suspension should be reduced.

Mr. Johnson reported no other employment while serving as a judge.

(9) Judicial Temperament:
The Commission believes that Mr. Johnson's temperament would be excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Johnson 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: "Well qualified especially with his previous experience in the A.L.C."

Mr. Johnson is married to Sara Curtis Johnson. He has two children.

Mr. Johnson reported that he was a member of the following Bar and professional associations:

(a) Lexington County Bar Association
(b) Richland County Bar Association

Mr. Johnson provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Grace Baptist Church, West Columbia, SC – I have been a deacon, church clerk, substitute Sunday school teacher, member of the Constitution Committee, usher, and nursery worker/volunteer.
(b) Cain's Mill Club, Sumter, SC

Mr. Johnson further reported:
I was fortunate to have been reared by parents and grandparents who instilled within me a strong work ethic and commitment to truth and justice. But I also attended a daycare for the first twelve years of my life because my parents both had to work to make ends meet. That time at the daycare gave me exposure to other children from all walks of life, which enabled me to appreciate the similarities and differences of others and to find common ground with those from different backgrounds. This experience was furthered with the various part-time jobs I held in school working alongside individuals from different backgrounds. Equality before the law is fundamental to our judicial system and, in turn, our society. I have striven to adhere to this principle in my service to the State of South Carolina for the past thirteen years, the latter half of which has been in a quasi-judicial capacity as a hearing officer. I have striven to dispense justice, according to due process, and to temper that justice with mercy when allowed and where appropriate. I now seek an opportunity to exercise these principles of right judgment in a greater capacity at the Administrative Law Court.

I will add that though I have not had experience as a trial attorney (aside from a summer spent after my first year of law school as a law clerk for the South Carolina Department of Consumer Affairs), in my role as a hearing officer for both DEW and OMVH I have served in a quasi-

litigator capacity in terms of conducting examination of witnesses during hearings. At DEW, I had to examine witnesses in every case, as the parties were almost never represented by counsel. At OMVH, in financial responsibility, habitual offender, habitual offender reduction, and points-suspension cases, SCDMV does not personally appear but instead appears by way of certified documents, and the drivers are usually not represented by counsel. Therefore, I am conducting the examination of them and any witnesses they bring and eliciting the facts necessary to rendering a decision in the matter, in addition to applying the law to those facts when writing the orders.

(11) Commission Members' Comments:
The Commission found that Mr. Johnson's experience as a law clerk to the Administrative Law Court would serve him well as a judge. The Commission further noted that he had a good reputation as a hearing officer with the Department of Motor Vehicles.

(12) Conclusion:
The Commission found Mr. Johnson qualified, and nominated him for election to Administrative Law Court, Seat 2.

The Honorable Robert L. Reibold
Administrative Law Court, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Reibold meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Reibold was born in 1970. He is 54 years old and a resident of Columbia, South Carolina. Judge Reibold provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1995.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Reibold.

Judge Reibold 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 Reibold reported that he has not made any campaign expenditures.

Judge Reibold 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 Reibold 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 Reibold to be intelligent and knowledgeable.

Judge Reibold reported that he has taught the following law-related courses:
(a) I was a speaker at the annual Master-in -Equity CLE in 2010.
(b) I have been a guest lecturer on the Administrative Law Court for a class taught by the Honorable James Lockemy at the University of South Carolina School of Law in 2022, 2023, and 2024.
(c) I was a speaker on administrative law at the Super CLE sponsored by the Hilton Head Bar Association in February of 2024

Judge Reibold reported that he has published the following:

(a) South Carolina Equity, A Practitioner's Guide. 2nd edition (SC Bar Association, 2022) (Co-Author)
(b) The Unfair Trade Practices Act – Is It Time for a Change? (SC Lawyer, May 2013) (Author);
(c) South Carolina Equity, A Practitioner's Guide. (SC Bar Association, 2010) (Co-Author);
(d) Hidden Dangers of Using Private Detectives (SC Lawyer, July 2005) (Author);
(e) Cutting the Fishing Trip Short: Protecting an Adjuster's Claim File (SC Lawyer, July/August 2000) (Author); and

(f) The Big Catch: An Adjuster's Claim File. (SC Lawyer, July/August 2005) (Author).

(4) Character:
The Commission's investigation of Judge Reibold did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Reibold did not indicate any evidence of a troubled financial status. Judge Reibold has handled his financial affairs responsibly.

The Commission also noted that Judge Reibold 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 Reibold reported that his last available rating by a legal rating organization, Martindale Hubbell, was AV. He also reported he was selected to South Carolina Super Lawyers in 2021 for Litigation.

Judge Reibold reported that he has not served in the military.

Judge Reibold reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Reibold appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Reibold appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Reibold was admitted to the South Carolina Bar in 1995.

He gave the following account of his legal experience since graduation from law school:

Year	Firm/Employer	Role
(a) 1996	Honorable J. Ernest Kinard, Jr.	Law Clerk

Circuit Court Judge

(b) 1996-2000 Swagart & Walker, P.A. Associate
(c) 2000-2002 Swagart, Walker & Reibold Partner
(d) 2002-2005 Swagart, Walker, Martin & Reibold Partner
(e) 2005-2008 Walker, Martin & Reibold Partner
(f) 2008-2017 Walker & Reibold, Partner
(g) 2017-2021 Haynsworth, Sinkler, Boyd. P.A. Shareholder
(h) 2021-present S.C. Administrative Law Court Judge

Following my judicial clerkship, I entered private practice, where I remained until I took the bench in January of 2022. Prior to taking the bench, my practice primarily involved litigation. I was not responsible for these firms' trust accounts.

Judge Reibold reported that he has held the following judicial office(s): I have served as an Administrative Law Court Judge from January 2022 to the present. I was elected by the General Assembly in February of 2021.

The Administrative Law Court is an agency and court of record within the executive branch of state government. The Court was created by the South Carolina General Assembly by Act No. 181 of 1993, to provide an independent forum for hearing the contested cases of state agencies. Previously, citizens desiring an evidentiary hearing to challenge the action of a state agency were heard by hearing officers employed by that particular agency.

The Court's jurisdiction is statutory in nature. Because the Court is an agency within the executive branch of state government, its power to hear a particular type of case from a particular agency is derived exclusively from the legislative branch of state government, the General Assembly.

Judge Reibold provided the following list of his most significant orders or opinions:

(a) Scurry v. S.C. Dept. of Health and Environmental Control and the Simmons Family, 22-ALJ-07-0033-CC. This case involved a permit for a restaurant marina in Hilton Head, water navigation, and competing considerations

between businesses. It is currently on appeal, but no decision has been rendered.

(b) Poletti v. Charleston County Assessor. 22-ALJ-17-0027-CC. This case involved the question of whether an adjacent, but separately addressed lot, should receive the same tax treatment as a taxpayer's primary residence. It is currently on appeal, but no decision has been rendered.

(c) Skipper v. South Carolina Department of Corrections. 21-ALJ-04-0355-AP. This case involved the question of whether exhaustion of administrative remedies is jurisdictional in the Administrative Law Court.

(d) Aiken Regional Medical Center v. S.C. Dept. of Health and Environmental Control and PAM Rehabilitation Hospital of Aiken. 22-ALJ-07-0122. This case involved the grant of a certificate of need for an inpatient rehabilitation facility in Aiken, South Carolina.

(e) Hess v S.C Criminal Justice Academy. 21-ALJ-30-0132-AP. This case involved the application of the substantial evidence standard of review to a case in which the standard of proof below was clear and convincing evidence.

Judge Reibold reported the following regarding his employment while serving as a judge:
None. I do receive minimal book royalties from the South Carolina Bar Association as a co-author of South Carolina Equity, a Practitioner's Guide.

Judge Reibold further reported the following regarding unsuccessful candidacies:
I was an unsuccessful candidate for circuit court in 2011, 2012, 2014, 2015, 2016, and 2017.

(9) Judicial Temperament:
The Commission believes that Judge Reibold's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Reibold to be "Qualified" in the evaluative criteria of

constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee commented, "Well qualified – no comment needed."

Judge Reibold is married to Shealy Boland Reibold. He has one child.

Judge Reibold reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar Association, House of Delegates 2008 to 2014 and 2018 to 2023
(b) Richland County Bar Association

Judge Reibold provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Salvation Army of the Midlands, Member Advisory Board
(b) Leadership South Carolina, Class of 2020

Judge Reibold further reported:
Service as an Administrative Law Judge has been an honor and a privilege. When I make a decision, I am aware of the power and authority the State has vested in me and my responsibility to wield it properly.

(11) Commission Members' Comments:
The Commission commented that Judge Reibold has earned an excellent reputation as a judge and is a credit to the judiciary.

(12) Conclusion:
The Commission found Judge Reibold qualified and nominated him for re-election to Administrative Law Court, Seat 3.

QUALIFIED BUT NOT NOMINATED

Justin T. Williams
Circuit Court, First Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Williams meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Williams was born in 1984. He is 40 years old and a resident of Columbia, South Carolina. Mr. Williams provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2011.

(2) Ethical Fitness:
A concern was raised about the attendance by Mr. Williams at an event in September of 2024, and whether this event constituted a "political gathering" and was thus prohibited under the Code of Judicial Conduct. Mr. Williams was questioned extensively on details including the audience and the subject matter of this forum. Based on the specific facts concerning this event, the Commission determined that this forum was not a political gathering. Accordingly, the Commission's investigation did not reveal any evidence of unethical conduct by Mr. Williams.

Mr. Williams demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Williams reported that he has made $3020.00 in campaign expenditures for postage and legal fees.

Mr. Williams testified he has not:
(a) sought or received the pledge of any legislator prior to screening;
(b) sought or been offered a conditional pledge of support by a legislator;
(c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Williams testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:
The Commission found Mr. Williams to be intelligent and knowledgeable.

Mr. Williams reported that he has taught or lectured for the following law-related programs:

(a) South Carolina Bar CLE
I Object: Trial Lawyers Address Trial Objections
I addressed Trial Objections as an Assistant Solicitor
Friday, November, 2013

(b) South Carolina Bar CLE
I Object: Trial Lawyers Address Trial Objections
I addressed Pre-Trial and Jury Qualification Objections as a Criminal Defense Attorney
Friday, January 9, 2015

(c) South Carolina Bar CLE
2015 Hot Tips from the Coolest Domestic Law Practitioners
I briefed the new Domestic Violence Statute and how it differed from the old Criminal Domestic Violence Statue
Friday, September 25, 2015

(d) South Carolina Summary Court Judges Association
Hickory Knob Continuing Legal Education
I briefed Chain of Custody/ SCRE/ Applicable Case Law
May 22, 2016

(e) South Carolina Summary Court Judges Association
Annual Convention and Seminar
I briefed Pre-trial Evidentiary Matters/ SCRE/ Applicable Case Law
September 7, 2016

(f) South Carolina Bar CLE
The Art and Science of Trial Objections
I addressed Pre-Trial and Jury Qualification Objections as a Criminal Defense Attorney
Friday, January 12, 2018

(g) 207th Regional Support Group, United States Army Reserve
Pre-Deployment Training
I briefed the Military Justice Process, the Rules of Engagement, and the Law of Armed Conflict
October 2019

(h) 2d Brigade, 87th Training Division, United States Army Reserve
Annual Political Activity, Ethics, and Army Command Policy Training
I briefed the rules of political activity, the rules of ethics, and expectations for a healthy command climate of Soldiers.
October 2022
October 2023

(i) 912th AG Company, United States Army Reserve

Pre-Deployment Training
I briefed the Rules of Engagement and the Law of Armed Conflict
July 2024

Mr. Williams reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Mr. Williams did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Williams did not indicate any evidence of a troubled financial status. Mr. Williams has handled his financial affairs responsibly.

The Commission also noted that Mr. Williams was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:
Mr. Williams reported that he is not rated by any legal rating organization.

Mr. Williams reported the following military service:
December 9, 2014 – present.
United States Army
Major/O4
United States Army Reserve
Honorable

Mr. Williams reported that he has held the following public office:
Commissioner
Public Service Commission of South Carolina
Elected May 11, 2018

(6) Physical Health:
Mr. Williams appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Williams appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Williams was admitted to the South Carolina Bar in 2011.

He gave the following account of his legal experience since graduation from law school:

(a) Assistant Solicitor, May 2011 – August 2013

As an Assistant Solicitor, I practiced criminal law at the trial court level in General Sessions Court. Initially, my caseload included over 600 warrants. As an Assistant Solicitor, my duties included managing a criminal docket, appearing in bond court, appearing at preliminary hearings, appearing at first and second appearances, meeting with law enforcement officers and victims, arguing motions in General Sessions Court, negotiating terms of a plea agreement with defense counsel, presenting guilty pleas in General Sessions Court, and calling cases to trial in General Sessions Court if plea negotiations failed. I prepared and called four cases to a jury trial during my first tour as an Assistant Solicitor. I had no administrative or financial management responsibilities in this role.

(b) Associate, workers' compensation defense, August 2013-June 2015

As a workers' compensation defense firm associate, I represented employers and insurance carriers in workers' compensation claims. My clients usually preferred to resolve claims in a prompt and cost-effective manner rather than lengthy litigation. Much of my time was spent reviewing initial filings, taking depositions, developing legal strategies, and making recommendations to mitigate my clients' liability. Most of my cases were settled, but some (<10%) went to a hearing before a Workers' Compensation Commissioner. I had no administrative or financial management responsibilities in this role.

(c) United States Army Reserve Judge Advocate, June 2015 – Present

Serving as the United States Army Reserve Judge Advocate has broadened my legal practice significantly. From June 2015 to June 2016, I served as a legal assistance attorney. As a legal assistance attorney, I helped Soldiers and retirees with wills, powers of attorney, family care plans, debt issues, letter writing, and landlord-tenant issues. I referred them to civilian counsel to assist with matters that required counsel to appear on their behalf. From July 2016 to July 2018, I served as an administrative law attorney. As an administrative law attorney, I served as the legal advisor for Investigating Officers, conducted legal reviews on administrative investigations into Soldier misconduct, and served as

the recorder (prosecutor) for separation boards. From August 2018 – May 2024, I served as Brigade Commanders' primary or secondary legal advisor on administrative law, contract and fiscal law, military justice, and national security law matters. Currently, I serve as a Team Chief for the 12th Legal Operations Detachment. I provide legal support for national security law, administrative law, and legal assistance in this role. I supervise a team of paralegals, but I have no financial management responsibilities.

(d) Assistant Solicitor, June 2015- December 2016

I prosecuted mid-level to major felonies. I spent most of my time reviewing discovery, preparing plea offers, negotiating plea agreements, and preparing for trial. I prepared and called three cases to trial during this period. A murder case, a burglary ring, and an armed robbery case where the State pursued Life Without the Possibility of Parole (I recused myself from arguing the last case because my wife was the trial judge's law clerk). I had limited administrative management responsibilities with interns, legal assistants, and paralegals. I had no financial management responsibility.

(e) Associate, civil litigation and criminal defense, January 1, 2017 – June 30, 2018

I worked in a high operational tempo law firm with a statewide practice. My primary practice areas were personal injury, workers' compensation, and criminal defense. My personal injury practice consisted of document review, depositions, filing lawsuits, arguing against South Carolina Civil Procedure Rule 12 (b)(6) Motions to Dismiss, negotiating settlements, and mediation. I had two cases go to trial in Common Pleas. One was a bench trial that resulted in a verdict favorable to my client. The other resulted in a settlement before a jury was selected. My workers' compensation practice consisted of making initial filings, document review, depositions, settlement negotiations, and mediations. My criminal practice consisted of advising clients through investigations, arguing for reasonable bonds, discovery review, plea negotiation, and trial preparation. I also practiced in magistrate court. I had six criminal magistrate trials that resulted in six not guilty verdicts, and all of my civil matters were settled. My administrative management responsibilities were limited to managing my legal assistant. I did not have any financial management responsibilities.

(f) Public Service Commissioner, July 1- Present

As a public service commissioner, I conduct legal research and analysis to support my decisions in the complex legal matters that regularly appear before the commission. Additionally, I am subject to the Code of

Judicial Conduct and have served for over six years without any actual or alleged violations of the Code of Judicial Conduct. Serving as a public service commissioner is a cerebral academic endeavor in that I spend much of my time reading reports and pre-filed testimony in preparation for hearings. While the public service commission has jurisdiction to regulate electric, natural gas, water and wastewater, transportation, and telecommunication utilities, my tenure on the commission has focused heavily on electric utilities and the renewable energy transition. During my service as chair, my responsibilities increased greatly as I served as the commission's chief executive and administrative officer and presided over all hearings using commission regulations, the rules of evidence, and civil procedure to maintain order. While I was not managing simple day-to-day tasks, I frequently met with executive staff to ensure that all employees were performing to standard and that we were managing our financial resources responsibly and effectively. As chair (July 1, 2020 – June 30, 2022), I was ultimately responsible for administrative and financial management; however, I delegated many tasks to the executive director and managed her performance.

Mr. Williams further reported regarding his experience with the Circuit Court practice area:

Since July 1, 2018, I have served as a commissioner on the Public Service Commission of South Carolina. Since my election to the Public Service Commission, I have not appeared as counsel for a party to a criminal or civil matter in Circuit Court or any other court.

Before my election to the public service commission, I was an associate for Moore Bradley Myers from January 1, 2017 – June 30, 2018. In that capacity, my criminal experience included regular appearances in General Sessions Court in Richland, Lexington, Orangeburg, and Bamberg Counties as defense counsel for the accused. I served as primary and secondary defense counsel for clients charged with murder, kidnapping, assault and battery, criminal sexual conduct, driving under the influence involving death, and trafficking narcotics, among other charges. My representation included arguing for a reasonable bond at bond hearings, arguing against probable cause for an arrest at preliminary hearings, reviewing discovery, negotiating plea agreements, and presenting plea agreements in General Sessions Court. In addition to a robust criminal practice in General Sessions Court, I represented clients accused of various misdemeanor charges in magistrate court.

Before my employment with Moore Bradley Myers, I served as an Assistant Solicitor for the Fifth Judicial Circuit Solicitor's office From June 2015 to December 2016. In this capacity, I was immersed in criminal practice in General Sessions Court every day. I advised law enforcement on probable cause for arrest, argued for an appropriate bond at bond hearings, argued in support of probable cause for arrest at preliminary hearings, argued for bond revocation when defendants were charged with committing a subsequent crime while on bond for a pending criminal charge, negotiated plea agreements and presented plea agreements in General Sessions Court, prepared serious felony matters for jury trial, and presented several serious felony matters, including a murder case, to juries from opening statement to jury verdict. During my first tour with the Fifth Circuit Solicitor's Office (February 2011 – August 2013), I worked as a law clerk, performed legal research/writing on criminal matters, and observed General Sessions Court while waiting for bar results. Once I was admitted to practice (May 24, 2011), I performed the same tasks I performed during my second tour, but my docket was primarily misdemeanors and low to mid-level felonies.

My civil experience is limited to my time as an associate with Moore Bradley Myers (January 1, 2017 - June 30, 2018), where I served as primary and secondary counsel for personal injury, employment, contract disputes, and medical malpractice matters. My civil practice included taking depositions, arguing against motions for summary judgment, settlement negotiations, and mediation. While I only argued one bench trial in Common Pleas, my trial experience in General Sessions and my experience as chair of the Public Service Commission of South Carolina have adequately prepared me to preside over trials in Common Pleas because, in both roles, I demonstrated mastery of the South Carolina Rules of Evidence and legal processes and procedures. I will use my past experience and dedicate myself to constant study of the South Carolina Rules of Civil Procedure and other applicable Circuit Court Rules to ensure the fair administration of justice. Also, I will engage the parties who appear before me by giving all parties ample time, space, and opportunity to offer oral and written arguments to support their positions on issues as they arise. I am most concerned with issuing the correct ruling, and I am willing to take all the time necessary to reach the proper decision.

Mr. Williams reported the frequency of his court appearances during the past five years as follows:

(a) Federal: 0.10%;
(b) State: 99.9%.

Mr. Williams 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: 90%;
(c) Domestic: N/A;
(d) Other: 5%.

Mr. Williams reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice, including cases that settled prior to trial: 100%.
(b) Number of cases that went to trial and resulted in a verdict: 100%.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None.
(d) Number of cases settled after jury selection but prior to opening statements: None.

Mr. Williams provided the following regarding his role as counsel during the past five years:
In the past five years, I served as a subject matter expert, serving as judge and jury on matters before the commission. In the five years before my election to the Public Service Commission of South Carolina, I primarily served as counsel.

The following is Mr. Williams' account of his five most significant litigated matters:

(a) State v. Channen F. Ricks was a murder case prosecuted by the Fifth Judicial Circuit Solicitor's Office. I prosecuted the Defendant while I was an assistant solicitor in the Fifth Judicial Circuit Solicitor's Office. April Sampson was the first chair, and I was the second chair. This was the most significant legal matter that I handled due to the serious nature of the charge, the length of preparation (two years), the length of the trial (four days), the number of witnesses (30), and the impact on the community (justice for the victim's family and the local community). This case was called to trial on October 10, 2016. The jury found the

Defendant guilty, and the judge sentenced him to 40 years in prison.

(b) State v. Khalil Davis was a multi-count first-degree burglary and grand larceny case prosecuted by the Fifth Judicial Circuit Solicitor's Office. I prosecuted the Defendant while I was an assistant solicitor in the Fifth Judicial Circuit Solicitor's Office. I served as the first chair, and Stephanie Taylor was the second chair. This case was significant due to the number of homes burglarized, the number of co-defendants, the organized nature of the burglary operation, the mandatory minimum fifteen-year sentence for burglary first degree, successfully turning a co-defendant into a witness for the State, and the fact that the Defendant did not have a criminal record. This case was prepared and called to trial the week of September 19, 2016, but the judge granted a continuance. The case was not resolved before I left the Solicitor's Office for a new employment opportunity.

(c) Tyresha Outing, et al vs Oliver P Simmons et al was a medical malpractice, wrongful death, and survival action filed on behalf of the mother of a toddler who died as the result of an improperly written and filled prescription. Stanley Myers, Jake Moore, and I represented the Plaintiff. Representative Todd Rutherford also assisted in representing the Plaintiff in this matter. This case was significant because it involved highly sophisticated Defendants, was highly technical, and required immense study and preparation for depositions, arguing against motions for summary judgment, trial, and mediation. This case was ultimately settled for a sum representative of justice for the decedent and his mother.

(d) Margret B. Villegas v. AYG Aiken, LLC was an employment discrimination case based on gender discrimination, hostile work environment, and constructive discharge. This case was significant because it was demonstrative of how a pro se litigant's access to justice can be denied without counsel as the plaintiff was told she missed the statutory deadline to file a complaint even though she followed every step of the administrative process to resolve her claim at the lowest level. After defeating a motion to dismiss, this case settled for an appropriate amount that represented justice for the Plaintiff.

(e) State v. James Earl Green was a dog-fighting case prosecuted by the Fifth Judicial Circuit Solicitor's Office. I prosecuted the Defendant as an assistant solicitor in the Fifth Judicial Circuit Solicitor's Office. I served as the first chair, and Sandra Moser was the second chair. This case was significant because of the investment of resources to investigate and prosecute the Defendant, the number of co-defendants, and the other alleged criminal activity intertwined with the dog fighting ring. This case was called to trial on January 21, 2013. The Defendant accepted a one-year active prison sentence after the State presented its case.

Mr. Williams reported he has not personally handled any civil or criminal appeals.

Mr. Williams further reported the following regarding unsuccessful candidacies:
I ran for Circuit Court, Fifth Judicial Circuit, Seat 1, in 2023. I withdrew from the race in January 2024.

(9) Judicial Temperament:
The Commission believes that Mr. Williams's temperament would be excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Williams 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: "Very little civil experience but vast criminal experience. But is willing to seek more civil! Overall a good candidate!"

Mr. Williams is married to Stacy Ayers Williams. He has one child.

Mr. Williams reported that he was a member of the following Bar and professional associations:

(a) Richland County Bar Association
(b) South Carolina Black Lawyers
(c) National Association of Regulatory Utility Commissioners

Mr. Williams provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Richland County Bar Association - Member
(b) South Carolina Black Lawyers Association - Member
(c) National Association of Regulatory Utility Commissioners
(d) University of South Carolina Alumni Association – 2022 Young Alumni of the Year
(e) Kappa Alpha Psi Fraternity, Incorporated – Zeta Epsilon Advisory Team
(f) Sigma Pi Phi Fraternity
(g) Meritorious Service Medal (2)
(h) Global War on Terrorism Service Medal
(i) Army Commendation Medal
(j) Armed Forces Reserve Medal with M Device
(k) Inherent Resolve Campaign Medal with Campaign Star
(l) Army Reserve Component Achievement Medal

Mr. Williams further reported:

My diverse life experiences have shaped me into a decision-maker with an open mind who takes great effort and time to see matters before me from all parties' perspectives. This ability ensures that all parties who appear before me will receive full consideration of their position on the matter before me without fear of prejudice or bias. Regardless of the matter before me, the facts as applied to the law will always be the basis of my decisions, and I will clearly articulate orally and in writing how and why I reached my decisions. Because I have walked in the shoes of the less fortunate and the privileged, I understand why some members of the general public may feel that their circumstances might be used against them in the legal system. If elected to the bench, I will use my diverse professional, social, and economic background to render decisions.

(11) Commission Members' Comments:

The Commission noted that Mr. Williams has the reputation of being a hard working, confident, and competent attorney. The Commission appreciates his current service as a Public Service Commissioner and thanked him for his service to our state and country.

(12) Conclusion:

The Commission found Mr. Williams qualified, but did not nominate him for election to Circuit Court, Fifth Judicial Circuit, Seat 1.

THURSDAY, JANUARY 16, 2025

The Honorable Russell D. Hilton
Circuit Court, Ninth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Hilton meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Hilton was born in 1978. He is 46 years old and a resident of Ridgeville, South Carolina. Judge Hilton 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 Hilton.

Judge Hilton 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 Hilton reported that he has not made any campaign expenditures totaling over $100.

Judge Hilton 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 Hilton 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 Hilton to be intelligent and knowledgeable.

Judge Hilton reported that he has taught the following law-related courses:
(a) CLE presentation at the Dorchester County Bar Association. Representing and Communicating with Incarcerated Clients. CLE # 166303. August 14, 2016. Along with speaking about how best to represent and communicate with clients that are in jail, we also toured the newly built Dorchester County Detention Center.
(b) Lectured at the Summerville Police Department on several occasions for the Officer Block Training Program. The classes focused on officers' testimony at preliminary hearings.
(c) Taught basic criminal and legal principles to the Dorchester County Sheriff's Office cadet training program. This was an academy program created within the Sheriff's Department where students went through a multi-week training on law-enforcement fundamentals.
(d) Lectured at the Charleston School of Law for the "Criminal Sentencing" class discussing real-world sentencing and reviewing recent sentencing examples and cases in South Carolina. October 24, 2023.
(e) Lectured for the "Back to Basics" Criminal CLE for the South Carolina Criminal Defense Lawyers Association. February 7, 2024. CLE# 242447 – Topic, "Things They Don't Teach in Law School."

Judge Hilton reported that he has published the following:
Hilton, R 2014, "Stop Losing Clients Over Your Fear of Payment Plans", Lawyerist.com: https://lawyerist.com/news/stop-losing-clients-fear-payment-plans/

(4) Character:
The Commission's investigation of Judge Hilton did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Hilton did not indicate any evidence of a troubled financial status. Judge Hilton has handled his financial affairs responsibly.

The Commission also noted that Judge Hilton 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 Hilton reported the following regarding his last available rating by a legal rating organization: Avvo: 9.9 out of 10; Martindale-Hubbell: 4.5 out of 5; Justia: 10 out of 10; and Google: 4.9 out of 5.

Judge Hilton reported that he has not served in the military.

Judge Hilton reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Hilton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Hilton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Hilton was admitted to the South Carolina Bar in 2005.

He gave the following account of his legal experience since graduation from law school:

(a) Assistant Solicitor for the First Judicial Circuit Solicitor's Office (Dorchester), 2005-2011: I prosecuted General Sessions and many magistrate/municipal level cases. My prosecution duties included case review, communication with victims, handling preliminary hearings, indictments, and any guilty plea or trial for cases to which I was assigned. During much of this time, my office was in the Dorchester County Courthouse, where I managed and facilitated the scheduling of, and witness testimony before the Grand Jury. Additionally, I handled most of the bond estreatments, civil asset forfeitures, and represented the state on magistrate level appeals to the Circuit Court.

(b) Senior Assistant Solicitor for the First Judicial Circuit Solicitor's Office (Dorchester), 2011-2013: In addition to a full General Sessions case load as described above, I assigned cases to other prosecutors, advised and directed other prosecutors with their cases, made most of the financial decisions on purchases or approval of spending

funds, approved cases for Pre-Trial Intervention and other diversion programs, approved employee leave, resolved employee issues, and had signatory authority on all of the accounts held by the Dorchester Office of the First Circuit Solicitor's Office. As the Senior Assistant Solicitor, my caseload became more focused on most serious/serious and violent crimes. I handled countless murder cases, armed robberies, burglaries, sexual assault cases, and tried dozens of cases to jury verdict. During my time at the Solicitor's Office as a prosecutor, I handled thousands of felony criminal cases.

(c) Member/Owner of Russell D. Hilton, Attorney at Law, LLC, 2013-Present: As a solo practitioner, I meet and contract with new clients and interact with them throughout their case. I manage all the firm accounts including the IOLTA, ensure all financial obligations such as taxes and professional fees are met, resolve any necessary employee issues, and manage all other business matters for my office. Additionally, I am the only attorney on the client's case and appear at any necessary court dates. I represent the client by providing legal advice and all other obligations resulting from the lawyer-client relationship. As a solo practitioner, my practice has intentionally consisted mainly of representing clients in criminal matters, but I have also handled civil cases involving property, construction, personal injury, contracts, statutory public road closure litigation, administrative appeals, and a myriad of civil, probate and other legal issues including trials and contested hearings. I have also been appointed as the guardian ad litem in probate guardian and conservator matters, as well as litigated other probate issues, in addition to drafting wills, powers of attorney, and other health care documents.

(d) Contract Attorney for South Carolina Commission on Indigent Defense (SCCID), 2015-2016: As an indigent defense contract attorney, I received cases in which the public defender's office had a conflict of interest such that external representation was required. These cases were handled just as any private client, with the distinction of payment coming from SCCID instead of the client. I tried many of these cases to jury verdict or picked a jury before

ultimately resolving the case in an agreeable plea offer for my client.

(e) Dorchester County Bar Association, Bar President, 2017-2018: As president, I led the efforts in organizing and planning our meetings, events, and CLEs.

(f) Special Referee, appointed by The Honorable Diane S. Goodstein, October 18, 2018: Section 14-11-60, of the SC Code of Laws, allows a Circuit Court judge to appoint a "special referee" when the Master-in-Equity is conflicted or unavailable. I was appointed by court order to serve as the special referee for a civil case in Common Pleas in Dorchester County. I was tasked with reviewing, in camera, documentation related to telephone records to determine which information would be discoverable to the adverse party.

(g) Part-Time Municipal Court Judge for the Town of Moncks Corner, South Carolina, 2023-Present: In my role as the associate municipal judge, I sign search and arrest warrants as necessary, and preside over municipal court, including jury trials, bench trials, and any sentencing.

Judge Hilton further reported regarding his experience with the Circuit Court practice area:

Criminal: During my career as a prosecutor and now solo practitioner, I have handled thousands of varying criminal cases and continue to do criminal work on a daily basis. In the past five years, I have handled criminal matters including General Sessions and Magistrate/Municipal level offenses. These cases have included issues of the Protection of Persons and Property Act (16-11-410 et seq.), as well as multiple murder, burglary, and other complicated criminal offenses. Over my career, I have represented the State as a prosecutor, and as a private practitioner, I have represented defendants, and victims and their families in criminal court. On occasion, other attorneys have associated me to assist them in their criminal cases. Largely due to the COVID pandemic, I have not had any General Sessions trials in the past 5 years. However, over my career I have tried 27 felony cases to verdict as either a prosecutor or defense attorney. I have gone through numerous jury selections before coming to a resolution prior to a trial, and I have handled thousands of guilty pleas. One of my last General Sessions trials was State v. Edward Bonilla. I was appointed to represent the defendant on the charge of

murder. The Public Defender's office was conflicted because his public defender revealed the location of the victim's body to law enforcement. This became one of the major issues in the case that was novel for South Carolina courts and is explained in more detail in question 15 below. I have also handled many bond hearings, preliminary hearings, and other matters that are commonly heard in General Sessions Court.

Juvenile: I have represented countless juveniles in criminal cases. While not directly in Circuit Court, I have handled waiver cases that originated in Family Court and one that incorrectly originated in the Circuit Court and was remanded to Family Court.

Civil: Though I have narrowed my practice to predominantly criminal matters, I have considerable experience in civil cases, as well. In the past 5 years, I have represented plaintiffs in quite a few personal injury cases involving automobile accidents, a case involving foreign matter in food, medical malpractice, false imprisonment, dog bite, negligent supervision, and many other torts. Some have involved wrongful death and minor settlement approvals by the court, as well as varying legal issues related to liability, insurance coverage, and other matters. While most have settled without the necessity of filing suit, I was co-counsel in a complex product liability case in Federal Court involving a defective climbing tree stand. The case had massive amounts of discovery, in-depth issues on choice-of-law and jurisdiction, as well as overcoming issues surrounding the proper use of a safety harness. In representing the plaintiff, we were seeking compensatory and punitive damages due to allegations of similar product failures and our belief the company was aware of the failures. The case lasted approximately 2 years and ended in 2019 with a settlement agreement being reached during jury selection. Presently, I am serving as local counsel for an Indiana attorney who has been admitted pro hac vice. The case involves some parallel criminal issues as well as civil causes of action for breach of contract, breach of trust, Unfair Trade Practice Act violations, and other causes of action. Beyond the past 5 years, I was the sole attorney on a prescriptive easement case that proceeded through discovery, mediation, and ultimately trial. I represented the defendants in that case, who obstructed a road by building a berm and were attempting a permanent closure of the road. The case involved property rights, along with damages claimed by the plaintiffs. It was resolved with a verdict by the Master-In-Equity after a multi-day trial. I also defended a client in the Court of Common

Pleas where my client was being sued over an owner-financed home. The case ended with a trial resulting in a verdict for my client.

Over the past 5 years, except during the pandemic closures, I have appeared in Circuit Court multiple times per month. I would estimate I appear in Circuit Court between 4 to 8 times on an average month.

Judge Hilton reported the frequency of his court appearances prior to his service on the bench as follows:
(a) Federal: Rarely;
(b) State: I often appear daily in state court (Circuit, Magistrate, or Municipal), sometimes multiple courts and appearances per day. There are usually 1 to 2 days per week where I do not have court appearances scheduled.

Judge Hilton reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:
(a) Civil: 10%;
(b) Criminal: 85%;
(c) Domestic: 0%;
(d) Other: 5%.

Judge Hilton reported the percentage of his practice in trial court prior to his service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: 98%;
(b) Number of cases that went to trial and resulted in a verdict: 2.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0.
(d) Number of cases settled after jury selection but prior to opening statements: 2.

Judge Hilton provided that during the past five years, he most often served as sole counsel.

The following is Judge Hilton's account of his five most significant litigated matters:

(a) State v. Donsurvi Chisolm (2015–UP–501, Unpublished Opinion). This was a Dorchester County case that I prosecuted. The defendant was charged with murder and

the case proceeded to trial. The allegations were that he and two acquaintances were riding around when he produced a pistol and shot the front seat passenger, killing him. The defendant then threw the gun into a swamp and cut the seatbelt out of the SUV to attempt to eliminate any trace evidence among other things. After multiple hearings, the defendant chose to exercise his right to self-representation, and proceeded pro se. The case presented some unusual security issues in the courtroom in that the defendant was actually the one examining witnesses and speaking directly to the jury. Most interestingly, the defendant was former military, clearly educated, intelligent, and had studied the applicable law and facts in his case. The case presented an interesting problem for the prosecution, in that I, nor law enforcement, ever determined exactly why he shot the victim. While the back seat passenger participated in the prosecution, he also did not know why the victim had been shot. I was able to overcome the motive issue and catch the defendant attempting to present false testimony through his sister when she testified that she previously owned the car and had cut the seatbelt to avoid being trapped in the car with an abusive boyfriend. We had an expert testify that to remove the seatbelt in the manner in which it had been removed, the casing would have to be removed and then the seatbelt cut close to the reel with a razor. The case was won predominantly when the sister (sequestered during the expert's testimony) testified that she cut the strap with some scissors, allowing the remaining strap to coil up in the reel. The defendant was found guilty of murder and sentenced to life.

(b) State v. Edward Primo Bonilla (reported as State v. Bonilla, 838 S.E.2d 1 (S.C. App. 2019)). This case was appointed to me on an indigent defense contract. I served as defense counsel for the defendant who had been charged with murder. The defendant was accused of meeting the victim on a dating app, killing her, and burying her body in a shallow grave in upper Dorchester County. Originally the case was handled by the public defender's office and there was a disclosure of the

location of the victim's body by the defendant's attorney. This disclosure created a conflict with the public defender in that there then became an issue as to whether the disclosure was based on informed consent and if the consent was voluntary. This case presented a complex novel issue for South Carolina jurisprudence regarding the "Rule 1.6 Hearing." The case also involved many issues of expert testimony, search warrant issues, magistrate jurisdiction and other Fourth Amendment issues, as well as balancing media rights against the rights of the defendant. The case was heavily covered in the media as the "Kik" app murder and lasted a full week. Ultimately, the defendant was found guilty of murder at trial.

(c) State v. DR (expunged, not reported). I served as defense counsel for the defendant. The case involved an individual who had pointed a firearm at someone who threatened to fight him. DR was in his 70s, of small stature, and was the homeowner's association president for his neighborhood. The HOA had issues with people coming to do "Pokémon raids" whereby they would appear in large groups at the HOA gazebo and search for digital caricatures placed via coordinates. DR was on his property, near the end of his driveway, when he told the individuals they needed to leave immediately. One of them took an intimidating stance, poured out his drink, and made threatening remarks towards DR. As the guy got in his car and drove approximately 100 feet to DR's driveway, DR reached in his car, grabbed a pistol, and held it by his side. When the individual pulled up and went to get out of his car, DR pointed the gun at him and told him to get out of there. Bystanders called police and law enforcement responded but did not arrest DR. Instead, law enforcement created an incident report and returned DR's gun. Unknown to DR, law enforcement issued a warrant and six months after the event, DR was served and arrested for Pointing or Presenting a Firearm. I filed a motion to bar prosecution under the Protection of Persons and Property Act ("Stand Your Ground" law). The State argued that the act did not apply because he only "presented" deadly

force and did not actually "use" deadly force. I argued that this was clearly contrary to public policy and against the intent of the legislature. The Court granted protection and the case was barred further prosecution. The charge was dismissed and expunged.

(d) Carter v. Kemmerlin (not reported). I served as counsel for the defendants in a civil case involving the plaintiff's suit to establish a prescriptive easement over one parcel of property to an adjoining parcel. The case was significant because it involved in-depth property law and issues regarding adverse possession, prescription, property interests, chain of title, and other issues. The case began in Circuit Court and was referred to the Master-in-Equity by agreement. The matter progressed from discovery to mediation to trial. The case ended after a multi-day trial before the Master-in-Equity. The Court ruled in favor of the plaintiffs on the issue of the prescriptive easement, but significantly lessened the damages sought.

(e) State v. McCombs, 762 S.E.2d 744 (S.C. App. 2014), vacated after Defendant's death by 772 S.E.2d 510 (S.C. 2015). McCombs was a case that I prosecuted while in the Solicitor's Office. The case involved a lewd act on a minor where the defendant had been charged and convicted previously on eerily similar conduct. Pretrial, I sought to introduce evidence of the prior bad act through testimony of the previous victim that we had located and brought in from out of state. Over a two-day period, I offered evidence and argued for the admissibly of the prior bad acts to show a common scheme or plan under Rule 404(b), SCRE. The trial judge held that the evidence of the prior lewd act was inadmissible despite the striking similarities in the details. I believed the decision was in error and contrary to the rule of evidence and case law. On behalf of the State, I appealed the Court's decision. The appeal was handled by the Attorney General's office, but the trial judge's decision was reversed by the Court of Appeals and a published opinion issued. However, the decision was later vacated by the Supreme Court after the defendant died during the pendency of the appeal.

The following is Judge Hilton's account of the civil appeal he has personally handled:
While I have never handled a civil appellate case in the Court of Appeals or the Supreme Court, I did handle a civil appeal to the Circuit Court involving a landlord/tenant dispute where I represented the landlord.

The following is Judge Hilton's account of the criminal appeal he has personally handled:
I have filed appellate paperwork on behalf of the State and defendants but have never had to argue a criminal appeal in the South Carolina Court of Appeals. However, I have argued many criminal appeals to the Circuit Court for Magistrate or Municipal Court cases.

Judge Hilton reported that he has held the following judicial office:

(a) Circuit Court Special Referee, appointed by The Honorable Diane S. Goodstein, First Judicial Circuit, October 18, 2018: As special referee, I had the statutory authority equivalent to the Master-in-Equity. I was appointed to review discovery in a civil matter regarding an automobile accident and determine which information would be discoverable to the adverse party.

(b) Municipal Court Judge for the Town of Moncks Corner, part-time, appointed by Town Council, 2023 – Present: The municipal court's jurisdiction is typically limited by statute to criminal matters carrying a fine of up to $500 and/or incarceration of up to 30 days in jail. There are some exceptions to this jurisdictional rule which allow the court to handle matters of greater penalty.

Judge Hilton provided the following statement regarding his most significant orders or opinions:
As a municipal judge, I have not issued any orders that would be considered "significant".

Judge Hilton reported the following regarding his employment while serving as a judge:
While serving as the part-time Associate Municipal Judge for the Town of Moncks Corner (2023 – present), I was/am also the Owner/Member of Russell D. Hilton, Attorney at Law, LLC (2013 – present)

Judge Hilton further reported the following regarding unsuccessful candidacies:
In the fall of 2023, I ran for Circuit Court, At-Large Seat 11. I was originally found qualified but not nominated. Subsequently, I was placed back in the race after JMSC removed another candidate. The election proceeded to a vote resulting in a tally of 71 to 85 and I lost to The Honorable Milton Kimpson.

(9) Judicial Temperament:
The Commission believes that Judge Hilton's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge Hilton to be "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, criminal experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and civil experience. The Committee noted: "Likeable, good temperament, impressed by effort to obtain more civil experience, good criminal experience."

Judge Hilton is married to Elizabeth Brewer Hilton. He does not have any children.

Judge Hilton reported that he was a member of the following Bar and professional associations:
(a) South Carolina Bar – 2005 to Present.
(b) Dorchester County Bar Association – 2005 to Present, President 2016-2017.
(c) Berkeley County Bar Association – 2013 to Present.
(d) South Carolina Association of Criminal Defense Lawyers (SCACDL) – 2014 to Present.
(e) National Association of Criminal Defense Lawyers (NACDL) – 2020 to Present.
(f) DUI Defense Lawyers Association (DUIDLA) – 2018 to Present.

Judge Hilton provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
(a) Lowcountry Flying Club, Member since 2020. President, 2023-Present. Maintenance Liaison, 2021-2023.

(b) Friends of the USVI National Park.
(c) EAA (Experimental Aviation Association).
(d) Cypress Church, Administrative Council and Chairperson of Trustees, approximately 1995 to present.
(e) Mimms Lake Fishing Club (SC Audubon Society), Member since 2020.
(f) DUI Defense Lawyers Association (DUIDLA).
(g) South Carolina Association of Criminal Defense Lawyers (SCACDL).
(h) National Association of Criminal Defense Lawyers (NACDL).
(i) Berkeley County Bar Association.
(j) Dorchester Bar Association.

Judge Hilton further reported:
Over the past 46 years of my life, I have dedicated more than half of that time to practicing law or working in the legal field. However, my experiences extend well beyond the boundaries of jurisprudence. I have engaged in a wide range of activities that I believe enrich the skill set and personality traits beneficial to a judge. Those other areas have allowed me to grow in patience, and attention to detail.
I have been fortunate to receive the support of family, friends, and my spouse in many endeavors, shaping both the attorney and the person I am today. Last year, I had the privilege of running for a judicial seat, during which I met a vast number of people. Though narrowly missing the needed votes, I received much encouragement to pursue a judicial seat again. The experience last year has only deepened my commitment and humility in applying for this position. I would be profoundly grateful for the opportunity to serve in such a capacity and would be truly humbled to be selected.

(11) Commission Members' Comments:
The Commission recognized the Citizen's Committee's comment regarding Judge Hilton's efforts to obtain more civil experience since his last screening.

(12) Conclusion:
The Commission found Judge Hilton qualified, but did not nominate him for election to Circuit Court, Ninth Judicial Circuit, Seat 2.

THURSDAY, JANUARY 16, 2025

The Honorable Kyliene Lee Keesley
Circuit Court, Eleventh Judicial Circuit, Seat 1

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Keesley meets the qualifications prescribed by law for judicial services a Circuit Court judge.

Judge Keesley was born in 1979. She is 45 years old and a resident of West Columbia, South Carolina. Judge Keesley 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 2004.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Keesley.

Judge Keesley 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 Keesley reported that she has made $1.46 in campaign expenditures for postage.

Judge Keesley 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 Keesley 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 Keesley to be intelligent and knowledgeable.

Judge Keesley reported that she has taught the following law-related courses:
(a) I am currently teaching my eighth semester of Alternative Dispute Resolution at the University of South Carolina Joseph F. Rice School of Law which involves instruction on negotiation, mediation, arbitration, and early neutral evaluation;
(b) As a member of the Dispute Resolution Section Council of the South Carolina Bar, I have served as course planner and speaker and/or moderator for multiple CLEs, including development of Bar Convention agendas. Some topics of CLEs that I have personally moderated or assisted in development of include implicit bias, emotional intelligence, skills to combat narcissistic and domineering behavior in parties, and best practices in Alternative Dispute Resolution;
(c) I assisted in the South Carolina Defense Attorneys' Association Trial Academy, by service as a juror and a breakout session leader. This service did not include a specific lecture topic but did include responding to questions of young attorneys and individuals in a Paralegal Studies Certificate program regarding trial procedure and preparation for trial;
(d) I taught a course on Alternative Dispute Resolution as a part of the Law School for Non-lawyers program offered by the South Carolina Bar;
(e) I presented at the Lexington County Bar Association Annual CLE on the topic of Alternative Dispute Resolution;
(f) I am preparing additional CLEs for offering by the South Carolina Bar regarding the effect of the 2019 amendments to the Probate Code on minor settlement approval procedure, utilization of ABLE accounts for disbursement of settlement proceeds, explanation of Mediation procedure for non-lawyers, and fast-track trial procedure and am scheduled to speak at the 2025 South Carolina Bar Convention to provide an Alternative Dispute Resolution rules and case law update.

Judge Keesley reported that she has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Keesley did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Keesley did not indicate any evidence of a troubled financial status. Judge Keesley has handled her financial affairs responsibly.

The Commission also noted that Judge Keesley 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 Keesley reported that she is not rated by any legal rating organization.

Judge Keesley reported that she has not served in the military.

Judge Keesley reported that she has never held public office other than judicial office.

(6) Physical Health:
Judge Keesley appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:
Judge Keesley appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:
Judge Keesley was admitted to the South Carolina Bar in 2004.

She gave the following account of her legal experience since graduation from law school:
(a) Judicial Law Clerk for the Honorable James R. Barber, III
During my clerkship, Judge Barber was the Chief Administrative Judge for the Court of Common Pleas in Richland County. I performed administrative tasks including scheduling and tracking outstanding matters that required ruling. I drafted Orders and responded to voluminous correspondence from attorneys and inmates. I reviewed proposed Orders, motions, memoranda, and case file materials and reported to the Judge on my findings and opinions. I conducted legal research on both criminal and civil topics. While serving as a judicial clerk, I observed and assisted in all aspects of both criminal and civil

Court, including but not limited to the following: civil trials, criminal trials, non-jury motion hearings, pre-trial conferences and hearings in both civil and criminal matters, guilty pleas, bond hearings, post-conviction relief hearings, probation revocation hearings and status conferences. I was not involved in any financial management in this position.

(b) Associate Attorney/Partner, Howser, Newman & Besley, LLC
My primary practice has been civil litigation. I have represented defendants in cases involving a wide range of topics including, but not limited to, automobile liability, professional negligence, premises liability, and breach of contract. My early years of practice included appearances in Family Court as a guardian ad litem and as attorney for parties in both hearings and trial. In more recent years, my practice expanded to include representation of plaintiffs in breach of contract actions and on personal injury and property damage claims. I have performed all aspects of litigation tasks from the initial client interview to the conclusion of trial and supplemental proceedings for collection of a judgment obtained at trial. Outside of Court matters, I have provided advice to clients regarding the validity and formation of contract language and have responded to pre-suit claims on their behalf. In the final years of my practice, I spent time observing criminal court proceedings and was associated to assist a criminal defense attorney in certain matters. This included assisting in legal research and advising criminal defendants of considerations related to trial, sentencing, and pleas.
I represented clients as sole counsel and chief counsel in Magistrate's Court, Circuit Court, Family Court, and the U.S. District Court for the District of SC. I appeared before the Master-in-Equity and Probate Court in many counties seeking approval of settlements and to assert liens on behalf of my clients. Over the course of my legal career, I have had to research and apply complex legal theories and law to advocate for my clients. I have written briefs, motions, Orders, pleadings, petitions, memoranda of law, and complex coverage opinions utilizing my evaluation and application of the laws of the State of South Carolina.
In 2011, I became a Certified Circuit Court Mediator. In this role, I have mediated hundreds of actions primarily involving claims of personal injury, property damage, breach of contract, false imprisonment, construction defects, and medical malpractice. I have also served as an Arbitrator for property damage actions in multiple counties in South Carolina since becoming a Certified Circuit Court Arbitrator in 2014.

Service as an Arbitrator allowed me to make legal determinations and issue rulings in civil matters. In addition to mediation and arbitration, I was appointed as a Special Hearing Officer to preside over a Fast Track Trial in Richland County.

My involvement in financial administration of the firm included preparation and production of invoices to clients and collection of payments. This required production, maintenance, and editing of thousands of data entries of task-based, billable-time descriptions. Although I delegated certain responsibilities to my legal assistant and other office staff, I handled a majority of administrative tasks myself. I had no management duties regarding trust accounts.

(c) Magistrate Court Judge, Lexington County

I was appointed as a Magistrate Judge in June of 2024. In this role, I oversee deposits of funds and issuance of funds by the Cayce-West Columbia District office but do not have any managerial responsibilities related to a trust account. My administrative duties include, but are not limited to, management of scheduling and execution of Orders or Writs along with issuance and retention of warrants. Following my appointment, I attended two weeks of training on criminal and civil procedural considerations. This included extensive training regarding application of the S.C. Rules of Evidence in criminal and civil actions, defenses, and protection of Constitutional rights.

In the role of a Magistrate, my jurisdiction is set by statute to include criminal trial jurisdiction over all offenses subject to a fine of $500.00 or less or imprisonment not to exceed 30 days, or both and to include civil jurisdiction over matters in which the amount in controversy does not exceed $7,500 (exclusive of fees and costs that may be awarded). In Lexington County, Magistrates also have jurisdiction over certain criminal matters that exceed the basic statutory limits including third degree domestic violence, forgery with no dollar amount involved, and third offense of driving under suspension. Lexington County Magistrates are also assigned to hear certain General Sessions cases including those with a penalty of up to 1 year imprisonment and/or a fine of $5,500. My duties as a Magistrate primarily include issuance of search and arrest warrants and presiding over bond Court and claims for eviction, claim and delivery, property damage recovery, and restraining orders along with hearings and trials on domestic violence offenses, traffic offenses (including driving under the influence of alcohol or drugs), trespass, and code enforcement matters. Additionally, my duties include presiding over Magistrate sales and preliminary hearings in criminal matters.

The position requires care in informing criminal defendants of their constitutional rights and ensuring that civil parties have the opportunity to fairly assert their claims and defenses. The variety of matters and claims before the Magistrate Court is very broad. Interaction with claimants and parties, including law enforcement officers acting on behalf of the State, requires my exercise of patience and fair application of the law daily.

Judge Keesley further reported regarding her experience with the Circuit Court practice area:

(a) My experience in criminal matters derives from my service as a judicial law clerk, representation of clients with pending or past criminal charges in civil actions, observations through association with criminal defense counsel, and my current service as a Magistrate Court Judge. Early in my legal career, I also served as a guardian ad litem and an attorney on several abuse and neglect and runaway cases which required investigation of and defense against pending criminal charges.

During my judicial clerkship, I assisted a Circuit Court Judge in the performance of his duties in all proceedings of criminal Court and was able to observe numerous trials, pre-trial hearings, in camera hearings to determine admissibility of evidence, bond hearings, guilty pleas, probation revocation hearings, Jackson-Denno hearings (Jackson v. Denno, 378 U.S. 368 (1964)) on admissibility of statements/confessions, Batson motion hearings during jury selection (Batson v. Kentucky, 476 U.S. 79(1986)), and the provision of Allen charges when juries reported that they were deadlocked (Allen v. U.S., 164 U.S. 492 (1896)). Although civil in nature, I also observed many post-conviction relief hearings that involved evaluation of criminal procedures, consideration of evidentiary issues, and evaluation of effectiveness of counsel at trial. These included the Donney Council PCR proceedings which resulted in creation of South Carolina precedent regarding competency and admissibility standards for certain evidence. That matter involved the early application and use of mtDNA testing and considerations of the effectiveness of counsel in criminal proceedings. State v. Council, provides guiding law on the Sixth Amendment right to counsel and admissibility of inculpatory statements that is applied constantly in criminal matters in South Carolina, and I have witnessed the application of those standards and had the unique opportunity to observe and hear testimony of Mr. Council. 335 S.C.1, 515 S.E.2d 508 (1999). My

clerkship responsibilities required that I research criminal procedure and case law which familiarized me with the standards and law for application in criminal matters before the Circuit Court.

One of my first cases in private practice included defense against legal malpractice allegations of inadequate representation of a client in a criminal matter which required my research and evaluation of criminal penalties, charges, and investigation in order to assert a defense. Throughout my practice, I handled numerous claims resulting from alleged criminal acts of my client or my client's employees. These acts most often included battery, rape, or driving under the influence. I had to evaluate the effect of the criminal charges on negotiation of claims, discovery, and settlement document language including extensive research and application of the Fifth Amendment privilege and other constitutional rights in my advice and representation of clients. I have engaged in motions practice related to my client's assertion of the Fifth Amendment privilege and have worked closely with criminal defense counsel regarding discovery practice throughout my legal career. Although my practice was primarily civil in nature, it was not void of consideration and research of criminal penalties and procedure. Additionally, in recent years, I observed criminal proceedings in Circuit Court and was associated as counsel for criminal defendants in both trial and pre-trial matters to assist with research and advising of criminal defendants related to plea considerations and trial.

As a Magistrate Judge, I preside over criminal matters weekly. As a part of this job, I have obtained legal education to promote my understanding and application of criminal statutes and penalties as well as the S.C. Rules of Evidence in criminal matters before the Court. My role requires that I ensure protection of the constitutional rights afforded defendants in criminal court while maintaining efficiency in the disposition of cases. My service as a Magistrate requires interaction with individuals charged with crimes, victims, and representatives of the State on a variety of matters and proceedings, which include those involved in issuance of warrants and appearing for bond Court.

My experience described above and in application of the South Carolina Rules of Evidence during my practice and as a Magistrate has prepared me to preside over criminal matters as a Circuit Court Judge. Additionally, I understand the requirements of a Judge and have had the opportunity to both study and apply a Judge's considerations in a multitude of criminal proceedings. I am confident that I can perform any requisite research and study of criminal matters, and welcome the opportunity to expand upon my knowledge, to fairly and efficiently

apply the Rules of Criminal Procedure and precedent to pending criminal matters.

(b) Over the past five years, I have handled many civil matters representing parties in all aspects of litigation from asserting a pre-suit claim to obtaining a judgment at trial. This included representation of both plaintiffs and defendants. I have conducted all aspects of investigation and discovery. During the large majority of the past five years, I have appeared before a Circuit Court Judge multiple times a month. My practice was statewide requiring my appearance in Court in almost every county in the State over my career. I handled hundreds of civil matters in private practice as sole counsel for my clients, both individuals and corporations. The types of claims that I primarily handled included the following: automobile liability, premises liability, construction defects, legal malpractice, professional negligence, negligent supervision or hiring, breach of contract, homeowner's association disputes, dram shop liability, and mechanic's liens. During my time in private practice, I presented hundreds of minor settlements and wrongful death and survival action settlements to the Court for approval, and these matters involved the issues listed above along with claims of negligent supervision and the application of the Tort Claims Act. Outside of Court matters, I have provided advice to clients regarding the validity and formation of contract language and have responded to pre-suit claims on their behalf. As my mediation practice grew, it expanded my knowledge of legal claims and provided insight on the considerations of both sides of a civil case. My experience in civil matters through my practice as a litigator, mediator, and arbitrator has given me the skills and knowledge to successfully serve as a Circuit Court Judge. I employ these skills in my current role as a Magistrate Court Judge to hear civil claims weekly. My current job requires that I routinely make determinations of jurisdiction and equity that prepare me to efficiently do so in service as a Circuit Court Judge in civil matters.

Judge Keesley reported the frequency of her court appearances prior to her service on the bench as follows:

(a) Federal: none;

(b) State: prior to 2020, several times a month; 2020-2024, approximately twice a month.

Judge Keesley reported the percentage of her practice involving civil, criminal, domestic and other matters prior to her service on the bench as follows:
(a) Civil: 85%;
(b) Criminal: 1%;
(c) Domestic: 0%;
(d) Other: 14%.

Judge Keesley reported the percentage of her practice in trial court prior to her service on the bench as follows:
(a) Percentage of practice, including cases that settled prior to trial: Approximately 65%;
(b) Number of cases that went to trial and resulted in a verdict: 2%.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: 0%.
(d) Number of cases settled after jury selection but prior to opening statements: 0%.

Judge Keesley 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 Keesley's account of her five most significant litigated matters:
(a) Jones and Jones v. Williams. This case is significant in that it included the only trial in which I have been involved for a claim of claim of traumatic brain injury. All other such claims that I handled resolved prior to trial. The case involved an automobile collision in Richland County. Negligence was admitted by the defense. The jury returned a verdict of $0 for the Plaintiff. The trial of this case commenced less than a week after another trial that I participated in, so I was subject to the time constraints of back-to-back trials creating a memorable experience of the stresses that accompany the excitement of trial work.
(b) Houston v. Ray Products Co. and PolyOne Designed Structures and Solutions, LLC; PolyOne Designed Structures and Solutions, LLC v. PODS Enterprises, Inc.; PODS Enterprises, Inc. v. Houston. I represented a third-party defendant/cross-claimant. This case is significant, because it involved sophisticated professional parties located in various states and required travel to Florida and California to conduct

discovery and depositions. Although the primary claim was Houston's product liability claim, litigation of the case involved disputes regarding breach of contract, application of OSHA standards, and business best practices. The case required examination of experts in very specialized fields and required that I prepare business executives to give deposition testimony on behalf of a national corporation. Unlike other product liability actions that I have handled, this case involved complex contract issues upon which liability hinged. After extensive litigation and multiple motions, the claims against my client were dismissed by an Order Granting Summary Judgment.

(c) Umphreyville v. Gittins. This is one of the first legal malpractice cases that I handled in private practice. It is significant due to the fact that it uniquely combined a civil claim with considerations of criminal penalties. It educated me on proper defense of professional negligence claims. The plaintiff was accused of committing crimes while a member of the United States Marine Corps and sued his lawyer for inadequate representation and negligence. This matter involved research of both the Uniform Code of Military Justice and penalties thereunder, and the application of sections of the U.S. Code of Laws to the plaintiff's criminal case. I prepared motions and memoranda in this matter and was ultimately successful on a Motion to Dismiss.

(d) Limbrey v. American Home Shield. This case involved a breach of contract claim. It is significant in that it was one of the first cases in which I acted as sole counsel for a business entity as defendant and prepared experts to testify at trial. It was also my first case as sole counsel that was not settled or dismissed by motion prior to a verdict. The case included a claim for recovery of legal fees that required research and submission of pre-trial briefs. The plaintiff claimed that the defendant owed a duty to replace heating, ventilation, and air conditioning units at his home. The defendant was found not liable for breach of contract.

(e) Frazier v. Family Circle Cup, LLC, et al. This case involved allegations of general negligence, negligent supervision, and negligent hiring as the result of an injury sustained during participation in a product demonstration that involved hitting tennis balls propelled from a machine. I drafted two memoranda in support of a Motion for Summary Judgment, argued the Motion, and prepared the Order Granting Summary Judgment. The granting of Summary Judgment was appealed to the S.C. Court of Appeals, but the appeal was later dismissed. This case is significant, because it involved the doctrine of primary implied assumption of risk and strengthened my understanding of the principle of assumption of the risk for application to dozens of premises liability

cases throughout my legal career including those for which I served as Mediator. Other attorneys in my firm utilized my research results from this case to support their position in other premises liability cases. This is one of the cases that strengthened the foundation of knowledge on which my mediation practice was formed.

Judge Keesley reported the following regarding civil appeals:
Although I have assisted on drafting of appellate briefs and have had cases that involved appeals, I have not been chief counsel on an appeal.

Judge Keesley reported that she has not personally handled any criminal appeals.

Judge Keesley reported that she has held the following judicial office(s):
I was appointed as a Magistrate Judge by Governor McMaster in June of 2024 upon confirmation by the Senate. My term expires in April of 2027. My jurisdiction is set by statute to include criminal trial jurisdiction over all offenses subject to a fine of $500.00 or less or imprisonment not to exceed 30 days, or both and to include civil jurisdiction over matters in which the amount in controversy does not exceed $7,500 (exclusive of fees and costs that may be awarded). In Lexington County, Magistrates also have jurisdiction over certain criminal matters that exceed the basic statutory limits including third degree domestic violence, forgery with no dollar amount involved, and third offense of driving under suspension. Lexington County Magistrates are also assigned to hear certain General Sessions cases including those with a penalty of up to 1 year imprisonment and/or a fine of $5,500. My duties as a Magistrate primarily include issuance of search and arrest warrants and presiding over bond Court and claims for eviction, claim and delivery, property damage recovery, and restraining orders along with hearings and trials on domestic violence offenses, traffic offenses (including driving under the influence of alcohol or drugs), trespass, and code enforcement matters. Additionally, my duties include presiding over Magistrate sales and preliminary hearings in criminal matters.

Judge Keesley provided the following list of her most significant orders or opinions:
My Court predominantly utilizes form Orders (or Writs) or rulings issued verbally in open court with both parties present. In my first month as a Magistrate, I have issued dozens of form Orders ruling on claims for

damages and evictions and issuing sentences for criminal traffic violations. None have been appealed.

Judge Keesley reported the following regarding her employment while serving as a judge:
I am an adjunct professor at the University of South Carolina Joseph F. Rice School of Law for the Fall 2024 semester requiring that I provide instruction and learning materials to students and evaluate those students to assign them a letter grade at the conclusion of the semester. Several Deans of the Law School serve a supervisory function. I believe that Dean William Hubbard and Dean Susan Kuo hire and oversee the function of the adjuncts.

Judge Keesley further reported the following regarding unsuccessful candidacies:
I was an unsuccessful candidate for judicial office for a term beginning July 1, 2018. I applied for Circuit Court, Eleventh Judicial Circuit, Seat 2 in July of 2017 and was nominated for that seat by the Judicial Merit Selection Commission in November of 2017. I withdrew from the race in January of 2018, prior to the election.
I also submitted an application for Circuit Court, At-Large, Seat 2 in July of 2018 and withdrew from the race in November 2018 as well as an application for Circuit Court, At-Large, Seat 13 in July of 2019 and withdrew from the race in November 2019.

(9) Judicial Temperament:
The Commission believes that Judge Keesley's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Keesley 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: "Have screened her before. Well qualified this time."

Judge Keesley is not married. She does not have any children.

Judge Keesley reported that she was a member of the following Bar and professional associations:

(a) South Carolina Bar: 2023 Chair of the Dispute Resolution Section Council, 2022 Vicechair of the Dispute Resolution Section Council, member of the Dispute Resolution Section Council since January 2019, member of Dispute Resolution Section and the CLE Committee;
(b) 2024 Member of S.C. Supreme Court's Commission on ADR;
(c) Richland County Bar Association;
(d) Lexington County Bar Association; and
(e) SC Women Lawyers Association.

Judge Keesley provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) The Phi Beta Kappa Society
(b) Delta Delta Delta Sorority

Judge Keesley further reported:

I have had the unique opportunity to be personally and professionally acquainted with many South Carolina Judges during my life. I believe that my interactions with them have given me insight into which personality components work well in service of the position. The statewide nature of my law practice and the frequency of my Court appearances since 2005 have provided exposure to the courtroom demeanor and reasoning of numerous Judges. I feel that I combine the positive traits that I have observed to be a conscientious and respectful public servant. I strive to protect the perception of a diligent and intelligent judiciary and want to do all that I can to promote civility and respect between and among our bench and bar. I believe that service as a Circuit Court Judge is the best means for me to do so.

My legal practice grew over the years to include many different types of law. While practicing with a law firm that handles primarily civil defense cases, I expanded my work to include plaintiff's personal injury, property damage, and breach of contract claims. I have also asserted liens and sought judgments on behalf of several of my corporate clients including contractors, homeowner's associations, and property management companies. More recently, I became a teacher at the University of South Carolina School of Law. As a litigator, Mediator, Arbitrator, and educator, I have gained many perspectives on the field of

law. Mediation practice strengthened my ability to remain patient and reasonable in emotional and tense situations. Working as an adjunct professor has fortified my patience and time management skills. Arbitration practice provided me with the opportunity to issue rulings in civil matters which prepared me for issuance of rulings in my Magistrate position. The confidence in my knowledge and experience exhibited by legal professionals who chose my service as Mediator on hundreds of cases encouraged me to seek a judicial office. I believe that my experiences and perspectives from both my law practice and current judgeship provide me with the tools to handle any matter that would come before me as a Circuit Court Judge in a composed and informed manner.

In addition to exposure to the legal profession my entire life, I have personally experienced all roles of the judicial process. I have worked and appeared in Court as staff, as a judge, and as an attorney. I have been a party to an injury claim. These experiences make me uniquely qualified to understand the stresses, considerations, and responsibilities of both a judge and those appearing before the Circuit Court. I am well prepared to serve as an empathetic and efficient Circuit Court Judge.

(11) Commission Members' Comments:

The commission members commended Judge Keesley on her skills as a former mediator and on her willingness to seek out opportunities to diversify her experience for service as a judge.

(12) Conclusion:

The Commission found Judge Keesley qualified, but did not nominate her for election to Circuit Court, Eleventh Judicial Circuit, Seat 1.

The Honorable Joshua C. B. Allen
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Allen meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Allen was born in 1981. He is 43 years old and a resident of Anderson, South Carolina. Judge Allen 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 2011.

(2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Allen.

Judge Allen 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 Allen reported that he has made $588.09 in campaign expenditures on a postcard mailer and a rack card.

Judge Allen 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 Allen 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 Allen to be intelligent and knowledgeable.

Judge Allen reported that he has taught the following law-related course: I have taught the criminal law class for the Law School for Non-Lawyers held at Tri-County Technical College in Pendleton, SC, a program for members of the public to learn the basics of criminal law, probate law, family law, etc.

Judge Allen reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Judge Allen did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Allen did not indicate any evidence of a troubled financial status. Judge Allen has handled his financial affairs responsibly.

The Commission also noted that Judge Allen 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 Allen reported that he is not rated by any legal rating organization.

Judge Allen reported that he has not served in the military.

Judge Allen reported that he has never held public office other than judicial office.

(6) Physical Health:
Judge Allen appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Judge Allen appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Judge Allen was admitted to the South Carolina Bar in 2011.

He gave the following account of his legal experience since graduation from law school:

(a) 2010-2011: Law Clerk to the Honorable R. Lawton McIntosh;
(b) 2011-2014: Assistant Solicitor for the 10th Judicial Circuit prosecuting primarily narcotics, property crimes, and DUIs, while also sitting also sitting second chair in other various cases. Additionally, I was the Solicitor's Office representative on the Anderson County Drug Court panel;
(c) 2014-Present: Attorney at the Allen and Allen Law Firm focusing primarily on personal injury litigation, workers compensation, divorce/child custody, probate matters, and criminal defense; includes all stages of litigation such as

filing of pleadings, discovery, mediation, and trial or settlement prior to trial;

(d) 2015-2016: Associate Municipal Court Judge for the City of Anderson, SC conducting bond hearings and presiding over summary court level criminal offenses and vehicular traffic matters;

(e) 2016-Present: Chief Municipal Judge for the City of Anderson, SC presiding over summary court level criminal cases, as well as City Code violations, and vehicular traffic matters. Duties also include overseeing five associate judges that primarily conduct bond hearings and provide availability when scheduling conflicts may arise; and

(f) 2016-Present: Associate Judge for the Anderson County Drug Court assisting in all matters related to the program such as issuing bench warrants, attending weekly panel discussion sessions with participants, and attending various substance abuse conferences on behalf of Anderson County, SC.

Judge Allen further reported regarding his experience with the Circuit Court practice area:

Over the past five years and prior, I have handled a variety of criminal matters including Attempted Murder, Criminal Domestic Violence, Assault and Battery, drug offenses, as well as a variety of traffic offenses (including DUIs) among others as a defense attorney. The issues in these cases involved probable cause in preliminary hearings, strengths or weaknesses of evidence, search and seizure issues, chain of custody issues, compliance with various evidentiary rules, and any others issues that may arise in a criminal case. I also have extensive experience from my time as an Assistant Solicitor where I handled primarily drug offenses and DUI prosecution. I was also co-counsel in other violent crime cases while in the Solicitor's Office.

As to civil matters, I have routinely handled cases involving personal injury, premises liability, and workplace injuries. The issues involved in the vast majority of personal injury cases are issues regarding the severity of injuries, proximate causation, damages, and the strengths and weaknesses of party, witness, and expert testimony. Discovery issues also often arise in these cases related to interrogatories, requests to admit, motions to compel, deposition objections, sufficiency of answers to discovery, and many others that can be relevant in discovery disputes.

Judge Allen reported the frequency of his court appearances during the past five years as follows:
(a) Federal: less than 5 in the last five years;
(b) State: 4-5 times per month.

Judge Allen reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:
(a) Civil: 60%;
(b) Criminal: 10%;
(c) Domestic: 25%;
(d) Other: 5% (Probate).

Judge Allen reported the percentage of his practice in trial court during the past five years as follows:
(a) Percentage of practice in trial court, including cases that settled prior to trial: 100%.
(b) Number of cases that went to trial and resulted in a verdict: Less than five.
(c) Number of cases that went to trial and resolved after the plaintiff's or State's case: None.
(d) Number of cases settled after jury selection but prior to opening statements: None.

Judge Allen provided the following regarding his role as counsel during the past five years:
During the past five years, in nearly all cases I have been sole counsel. I have been co-counsel on less than five cases during that same period of time.

The following is Judge Allen's account of his five most significant litigated matters:

(a) Robert William Goodwin and Marian Charlene Goodwin vs. Varkey Alencheril Joseph, April Desiree Chappell, individually and as agent of Swift Transportation Company of Arizona, LLC and Swift Transportation Company of Arizona, LLC (Case #2021-CP-04-00234): This is a personal injury case that arose from multiple tortfeasors that led to serious and catastrophic injuries to the client wherein the client was struck by a vehicle while directing traffic. This case is significant because of the various issues involved including duty, comparative negligence,

and violations of industry standards. It is also significant because of the extensive discovery process that required numerous motions and hearings related to discovery as well as the significant amount of various expert witnesses involved. This case is set for a date certain trial on October 28, 2024.

(b) Henry D. Adair vs Lloyd Allen Davenport, individually and as agent of Specialty Freight Services, LLC and Specialty Freight Services, LLC (2024-CP-04-01478): This case was significant because of the gross negligence that took place and the resulting injuries that were suffered by the client. This case involved the driver of an 18 wheeler tractor trailer running a stop sign and pulling into oncoming traffic. The client suffered catastrophic injuries. The issues involved were the level of negligence, breach of duty by the Defendant, whether additional liability coverage was available under GEICO vs. Poole were relevant, and many others. The case also involved extensive accident reconstruction as there were possible issues of contributory negligence. The case ultimately settled before trial.

(c) Amanda Santos and Deryck Santos as parents and guardian of A.M., a minor under the age of 18 vs. Camden Military Academy, Inc., and John Heflin, individually and as agent of Camden Military Academy, Inc. (Case #: 3:17-CV-02281-CMC): This case was significant because it involved very traumatic mental injuries suffered by a minor that was heard in federal court. From the beginning, this case was highly contentious and most every issue relating to duty, causation, and damages was contested. After extensive discovery, multiple hearings and depositions, the case ultimately settled before trial primarily because the minor was set to enlist in the Army and did not want to continue with the litigation.

(d) Carlton J. Slade and Debbie Slade, as joint Personal Representatives of the Estate of William Shamari Slade vs. Bougie Lounge, LLC d/b/a 821 Greenville, Danielle Britt, individually and as agent of Boudie Lounge, LLC d/b/a 821 Greenville, Armani Peters, individually and as agent of 821 Greenville, and Falls Land, LLC (Case #: 2024-CP-23-04940): This case is significant as it involves the tragic shooting death of Mr. Slade at an establishment in Greenville, SC. This case involves primarily issues of duty and causation and more specifically issues of concurring causation. Expert witness testimony regarding proper security measures inside businesses

as well as in common areas is critical. This lawsuit was recently filed and is in litigation.

(e) State of South Carolina vs. Daniel Kyle Scroggs (Case #2018-GS-04-20455). This case was significate because it involved criminal charges against my client that were brought as a result of a highly contentious custody battle in family court. My client was charged with Domestic Violence, 2nd Degree. After extensive plea negotiations with the prosecutor, the case was ultimately tried to a verdict. The majority female jury saw that there was little evidence that my client had committed these acts and that it was done for the purpose of having his rights to his children taken away. Thankfully, the jury refused to convict him of this charge and Mr. Scroggs ultimately gained visitation rights to his two young sons and they maintain a strong relationship to this day.

The following is Judge Allen's account of the civil appeal he has personally handled:
Randall Dixon vs. Nationwide Property & Casualty Insurance Company (Case # 2016-000987), South Carolina Court of Appeals, Date of Decision – November 15, 2017.

Judge Allen reported that has not personally handled any criminal appeals.

Judge Allen reported that he has held the following judicial office(s):
I was appointed Associate Municipal Court Judge in 2015 and then appointed Chief Municipal Judge for the City of Anderson, SC, both unanimously by the Anderson City Council. Starting in 2016, I was also named Associate Judge for the Anderson County Drug Court by Court Order from then Chief Justice Costa M. Pleicones. I have continued to serve in these positions.

Judge Allen provided the following regarding his most significant orders or opinions:
Having jurisdiction at the Summary Court level, I have not had significant opinions or orders.

(9) Judicial Temperament:
The Commission believes that Judge Allen's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Judge Allen to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well-Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had neither related nor summary comments.

Judge Allen is married to Taylor McCade Allen. He has four children.

Judge Allen reported that he was a member of the following Bar and professional associations:

(a) Anderson County Bar Association
(b) South Carolina Bar Association
(c) South Carolina Association of Justice

Judge Allen provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Board member of Anderson Interfaith Ministries;
(b) Board member at St. John's United Methodist Church;
(c) Coach of Church League Youth Basketball;
(d) Member of Board of Emerging Leaders at Anderson University; and
(e) Anderson Independent Mail Top 20 under 40.

Judge Allen further reported:
I believe my diverse background during my professional and legal career gives me a unique perspective in presiding over matters heard in Circuit Court. I began my career as a prosecutor and tried a number of cases to a verdict and prosecuted a wide variety of crimes. I also argued for the State in the first vehicle related "Stand Your Ground" challenge in Anderson County while at the Solicitor's office. In my career in private practice, I have represented clients in a variety of different cases in family court ranging from mothers and fathers in child custody matters, victims of domestic violence, significant asset divisions, and adoptions. In personal injury cases, I have represented clients with catastrophic injuries, victims of abuse, and clients who have had life changing workplace accidents.
Additionally, my experience as Chief Judge for the City of Anderson, SC exposes me on a daily basis to many people from many different

backgrounds on a personal level as often these litigants are unrepresented. This experience has provided valuable lessons in communication, judicial temperament, and respectful interaction with litigants from all walks of life. Finally, my experience as the Associate Judge for the Anderson County Drug Court has given me valuable experience to see firsthand the devastation to families and communities caused by substance abuse and the way in which the community can provide resources to break the family cycle of drug abuse.

I would also like to mention that my experience in many different courtrooms as a practicing private attorney has given me the understanding of the demands of the profession. Whether that be advising clients, meeting deadlines, coordinating and scheduling different witnesses available for trial, and many more of the various challenges that attorneys face. This experience gives me a real world perspective as to the challenges the attorneys that would come before me face and will allow me to work with them in a manner that is flexible while also ensuring the timely disposition of cases. All of these experiences along with my work history have prepared me to be a fair and impartial candidate for the Circuit Court bench.

(11) Commission Members' Comments:

The Commission commented that Judge Allen has gained a good bit of experience given his youth. He has earned a solid reputation serving as a municipal judge.

(12) Conclusion:

The Commission found Judge Allen qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 7.

Riley J. Maxwell
Circuit Court, At-Large, Seat 7

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Maxwell meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Maxwell was born in 1979. He is 45 years old and a resident of Columbia, South Carolina. Mr. Maxwell 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. Maxwell.

Mr. Maxwell 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. Maxwell reported that he has not made any campaign expenditures.

Mr. Maxwell 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. Maxwell 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. Maxwell to be intelligent and knowledgeable.

Mr. Maxwell reported that he has taught the following law-related courses:

(a) October 2020 - I spoke at a CLE course (Prosecution and Victim Compensation) regarding restitution for crime victims.
(b) February 2002 - I spoke at the South Carolina Coroner's Association annual conference. I discussed and answered questions about issues coroners may need to be prepared for when testifying at trial. I also led a mock witness examination.
(c) May 2022 and June 2024 - I served as a faculty member at the Prosecution Bootcamp in 2022 and 2024. This program, conducted by the South Carolina Commission on

Prosecution Coordination, is a week-long program for new prosecutors. It focuses on trial advocacy with time dedicated to opening and closing statements and direct and cross examinations of witnesses.

Mr. Maxwell reported that he has not published any books or articles.

(4) Character:
The Commission's investigation of Mr. Maxwell did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Maxwell did not indicate any evidence of a troubled financial status. Mr. Maxwell has handled his financial affairs responsibly.

The Commission also noted that Mr. Maxwell 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. Maxwell reported that he is not rated by any legal rating organization.

Mr. Maxwell reported that he has not served in the military.

Mr. Maxwell reported that he has never held public office.

(6) Physical Health:
Mr. Maxwell appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:
Mr. Maxwell appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:
Mr. Maxwell was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

(a) August 2006 - August 2007

Law clerk for the Honorable Edward Welmaker, Circuit Judge,
Thirteenth Judicial Circuit

(b) October 2007 - January 2015

Assistant Solicitor, Sixth Judicial Circuit
I prosecuted crimes of all nature in General Sessions Court and juvenile matters in Family Court.

(c) January 2015 - present

Deputy Solicitor, Sixth Judicial Circuit
I currently handle the prosecution of crimes in General Sessions Court and Family Court. I supervise a staff of assistant solicitors and administrators and oversee the prosecution of all cases in Fairfield County. I assist and advise the Circuit Solicitor on personnel and other administrative matters. I have not managed any financial matters.

Mr. Maxwell further reported regarding his experience with the Circuit Court practice area:
I have served as a prosecutor for almost 17 years. In that time, I have been involved with the prosecution of thousands of cases, including murder, criminal sexual conduct, robbery, drugs, property crimes, and complex financial crimes. I have also served as lead or co-counsel for dozens of trials. I regularly conduct research of various legal issues, consult and advise law enforcement, meet with victims and witnesses, and prepare motions and briefs. I generally spend several days each month appearing before the Circuit Court for pleas, bond hearings, and motions. I am involved in trials before the Court four to seven times each year.
Since I have spent the majority of my career as a prosecutor, I have had limited involvement in civil court. I have filed civil lawsuits on behalf of the State under the drug forfeiture statute. In those cases, I drafted the complaints, oversaw the services of process, and litigated the cases before the Court of Common Pleas. I have also represented the State in Common Pleas Court in appeals from the summary courts.
While I served as a law clerk, Judge Edward Welmaker served as Chief Administrative Judge for Common Pleas in Greenville County. I regularly assisted Judge Welmaker in the preparation of civil matters including researching various issues. I prepared orders and reviewed proposed orders prior to the Judge's signing. I observed several trials during my clerkship including personal injury cases where liability was contested and other cases where only damages were at issue. I also sat as clerk during medical malpractice trials and a complex trial involving

non-compete claims and trade secrets involving a major corporation headquartered in South Carolina.
I continuously stay current with judicial opinions since I have been an attorney. I have also observed several civil trials in recent years and attended numerous sessions of Common Pleas Non-Jury terms.
With my extensive trial experience, I have adept knowledge of the South Carolina Rules of Evidence that I believe would be applicable in civil cases. If I encountered a matter I was unfamiliar with, I would extensively research the issue and/or consult other authorities.

Mr. Maxwell reported the frequency of his court appearances during the past five years as follows:

(a) Federal: 0
(b) State: I appear in circuit court 5-10 days each month.

Mr. Maxwell reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

(a) Civil: 1%
(b) Criminal: 99%
(c) Domestic: 0%
(d) Other: 0%

Mr. Maxwell reported the percentage of his practice in trial court prior to his service on the bench as follows:

(a) 98% was in trial court, including cases that settled prior to trial;
(b) 13 cases went to trial and resulted in a verdict;
(c) 1 went to trial and resolved after the plaintiff's or State's case;
(d) 1 settled after a jury was selected but prior to opening statements.

Mr. Maxwell provided the following regarding his role as counsel during the past five years:
As Deputy Solicitor, I oversee all General Sessions prosecutions in Fairfield County. I assign cases to assistant solicitors and personally handle my caseload as sole counsel. In most trials, I served as chief counsel or sole counsel. In some trials, I have assisted other solicitors in preparing for trial, serving as co-counsel or 2nd chair, and serving in an advisory role during trial.

The following is Mr. Maxwell's account of his five most significant litigated matters:

(a) State v. Charles Coleman. This was a cold case prosecution of a woman who was raped and killed in 1976. The South Carolina Law Enforcement continued to investigate the case over the years. In 2020, Coleman's DNA was matched with a DNA profile developed from pieces of evidence. I researched the existing law in 1976 to ensure he was properly charged. Ultimately, Coleman pled guilty after the jury was seated but before opening arguments. He was sentenced to life. A challenge in the case was locating witnesses and developing a proper chain of evidence. I was the lead prosecutor.

(b) State v. Latroy Sampson. This was a case that involved the strangulation murder of a woman by an acquaintance. The defendant fled the state and was apprehended a few weeks later in Rochester, New York. while in possession of a gun. The defendant was convicted and sentenced to prison in New York for the gun charge. I spent considerable time and effort working to have the defendant brought back to South Carolina. He was convicted of murder and received a life sentence. Because he had not completed his five year sentence on the gun charge, New York wanted Sampson transported back. After much discussion between authorities in both states, New York dropped their request and the defendant remained in the South Carolina Department of Corrections. I was the lead prosecutor.

(c) State v. Ricky Deel. This was a Felony Driving Under the Influence case involving the death of one teenager and the paralysis of another on I-77. Others involved were also severely injured in the wreck. The victims were traveling with other family members from Michigan heading to Florida when the defendant lost control of his vehicle and struck the victims' vehicle. A blood draw collected from the defendant indicated a blood alcohol level above the legal limit. Missouri v. McNeely, 569 U.S. 141 (2013), a U.S. Supreme Court opinion decided after the incident, ruled that law enforcement generally must acquire a search warrant to collect a suspect's blood. During a hearing to suppress the blood draw evidence, the State argued exigent circumstances existed creating an exception to the search warrant requirement. The Circuit Court denied the suppression motion and the defendant subsequently entered

a guilty plea and received a twenty year sentence. I served as sole counsel throughout the case.

(d) State v. Christopher Williams, et al. This was a murder case where the victim was shot during a home invasion. Eight defendants were initially charged with murder under the theory of accomplice liability. Through the investigation, we were able to clarify the roles each defendant played in the incident. The defendant who fired the fatal shot pleaded guilty to murder, attempted armed robbery, and burglary and was sentenced to 30 years. Another armed defendant received a 30 year sentence for voluntary manslaughter. Another four of the defendants entered guilty pleas to various reduced charges and received sentences ranging from probation to 11 years. I made the decision to dismiss the charges against the remaining two defendants. I initially assisted the Circuit Solicitor before his retirement and handled the majority of the case thereafter.

(e) State v. Timothy Thompson. This case initially began as an investigation into a hit and run of a pedestrian before further investigation showed it to be an intentional act. The South Carolina Highway Patrol began the investigation and uncovered evidence of an earlier altercation between the defendant and victim and witnesses provided statements detailing the defendant's intent to harm the victim. I was advising law enforcement early on in the investigation. The Highway Patrol wanted to turn the case over to the Fairfield County Sheriff's Office because they did not handle murder cases. I determined, as the lead prosecutor, there was enough evidence to proceed with the prosecution without the need to involve another agency. The defendant was found guilty of murder following a four day trial and was sentenced to life.

Mr. Maxwell reported that he has not personally handled any civil or criminal appeals.

Mr. Maxwell further reported the following regarding unsuccessful candidacies:

Yes. I was a candidate for Circuit Court, At-Large, Seat 16 in 2023-2024. I was found qualified and nominated by the Judicial Merit Selection

Commission in November 2023. I withdrew from consideration on January 24, 2024.

(9) Judicial Temperament:
The Commission believes that Mr. Maxwell's temperament would be excellent.

(10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Mr. Maxwell to be "Well-Qualified" as to the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience. The Committee noted: "Lacking civil experience. Worrisome! Great criminal experience, but civil(?)"

Mr. Maxwell is not married. He does not have children.

Mr. Maxwell reported that he was a member of the following Bar and professional associations:

(a) South Carolina Bar, 2006
(b) Fairfield County Bar, 2007

Mr. Maxwell provided that he is a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) F3 Columbia: F3 is an organization designed to plant, grow and serve small workout groups for men for the invigoration of community leadership. I have been involved for nearly 10 years and served in a leadership role. F3 regularly helps local charities with donations and volunteering.
(b) South Carolina Bar House of Delegates: I served as representative for the Sixth Circuit beginning in 2015 and ending in 2017/2018.

Mr. Maxwell further reported:

Over my almost 17 year career as a prosecutor, I have always viewed part of my role as to act as a gatekeeper for the criminal justice system. I always strive to ensure that defendants are treated fairly and that their constitutional rights are protected. I speak with law enforcement officers on a daily basis to advise and make determinations of whether probable

cause exists to make an arrest or get a search warrant. I assess cases on their merits to determine proper charges, whether a case should be dismissed, whether to divert the case to a diversion program, whether to reduce charges for plea purposes, and to devise a trial strategy.
I work to maintain a good working relationship with opposing attorneys. I try to respect their opinions and viewpoints and the role they play in defending their clients. I feel most defense attorneys respect the way I handle my role in return. I try to be helpful when the situation allows and find common ground in resolving cases.

Since I began as a solicitor, it has been my job to plan and organize court for nearly every General Sessions term in Fairfield County. This includes communicating with the presiding judge, the clerk of court, and court staff regarding logistical matters. I have always been open to new ideas and feedback on the operations of court from my staff, court personnel, and opposing counsel.

I have enjoyed and take pride in acting as a public servant, and would be honored to continue to do so as a circuit judge. I believe I possess the good temperament that is required from the bench. I believe it is important to treat all parties fairly no matter the situation.

(11) Commission Members' Comments:
The Commission noted that Mr. Maxwell has an excellent reputation as a member of the Bar, especially concerning his temperament and intellect, as reflected in the BallotBox comments from his colleagues.

(12) Conclusion:
The Commission found Mr. Maxwell qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 7.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

COURT OF APPEALS

SEAT 2	The Honorable Kristi F Curtis
	Jason P. Luther
	The Honorable Courtney Pope
SEAT 3	The Honorable John D. Geathers

SEAT 4	The Honorable Paula H. Thomas

CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT, SEAT 2	The Honorable Eugene P. Warr Jr.
FIFTH JUDICIAL CIRCUIT, SEAT 1	Ashley A. McMahan Christopher Dolan Taylor William K. Witherspoon
SEVENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable J. Derham Cole Jr.
NINTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Deadra L. Jefferson
NINTH JUDICIAL CIRCUIT, SEAT 2	Bryan A. Alfaro Thomas J. Rode R. Bruce Wallace
TENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Lawton McIntosh
ELEVENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable David Shawn Graham Derrick E. Mobley Christian Giresi Spradley
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2	Melissa A. Inzerillo De Grant Gibbons
AT-LARGE, SEAT 7	William Vickery “Vick” Meetze Jane H. Merrill
AT-LARGE, SEAT 14	The Honorable R. Keith Kelly
AT-LARGE, SEAT 15	The Honorable Maite D. Murphy
AT-LARGE, SEAT 16	The Honorable Charles J. McCutchen

FAMILY COURT

FIRST JUDICIAL CIRCUIT, SEAT 1	The Honorable Anne Guè Jones
SECOND JUDICIAL CIRCUIT, SEAT 1	Shannon M. Chandler Amanda Frances Whittle
SECOND JUDICIAL CIRCUIT, SEAT 2	The Honorable Angela W. Abstance

THIRD JUDICIAL CIRCUIT, SEAT 1	William A. A. Buxton E. Thompson Kinney
THIRD JUDICIAL CIRCUIT, SEAT 2	The Honorable Angela R. Taylor
THIRD JUDICIAL CIRCUIT, SEAT 3	The Honorable Ernest Joseph Jarrett
FOURTH JUDICIAL CIRCUIT, SEAT 2	C. Heath Ruffner
FIFTH JUDICIAL CIRCUIT, SEAT 2	The Honorable Michelle M. Hurley
FIFTH JUDICIAL CIRCUIT, SEAT 3	The Honorable M. Scott Rankin
SIXTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Coreen B. Khoury
SEVENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Angela J. Moss
SEVENTH JUDICIAL CIRCUIT, SEAT 2	The Honorable M. Todd Thigpen
EIGHTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Bryan C. Able Robert W. Cone James Conway “Jim” Todd IV
EIGHTH JUDICIAL CIRCUIT, SEAT 3	The Honorable Joseph C. Smithdeal
NINTH JUDICIAL CIRCUIT, SEAT 2	The Honorable Alice Anne Richter
NINTH JUDICIAL CIRCUIT, SEAT 4	The Honorable Blakely Copeland Cahoon
TENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable David J. Brousseau
TENTH JUDICIAL CIRCUIT, SEAT 3	The Honorable M. Scott McElhannon
ELEVENTH JUDICIAL CIRCUIT, SEAT 2	The Honorable Huntley Smith Crouch
ELEVENTH JUDICIAL CIRCUIT, SEAT 3	The Honorable Robert E. Newton
TWELFTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Alice Allsbrook Richardson
TWELFTH JUDICIAL CIRCUIT, SEAT 2	The Honorable FirzLee H. McEachin

THIRTEENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Rochelle Yarborough Conits
THIRTEENTH JUDICIAL CIRCUIT, SEAT 2	The Honorable W. Marsh Robertson
THIRTEENTH JUDICIAL CIRCUIT, SEAT 6	Jonathan D. Hammond Marcelo Torricos
FOURTEENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Gerald C. Smoak Jr
FIFTEENTH JUDICIAL CIRCUIT, SEAT 1	The Honorable Jan B. Bromell Holmes
SIXTEENTH JUDICIAL CIRCUIT, SEAT 2	The Honorable David G. Guyton
AT-LARGE, SEAT 1	The Honorable Kimaka “Kim” Nichols-Graham
AT-LARGE, SEAT 2	The Honorable Timothy E. Madden
AT-LARGE, SEAT 3	The Honorable James G. McGee III
AT-LARGE, SEAT 4	The Honorable Monét Pincus
AT-LARGE, SEAT 5	The Honorable Randall E. McGee
AT-LARGE, SEAT 6	The Honorable David Earl Phillips
ADMINISTRATIVE LAW COURT SEAT 2	Kristian Cross
	The Honorable Bryan S. Jeffries
	Samuel L. Johnson
SEAT 3	The Honorable Robert L. Reibold

/s/Sen. Luke A. Rankin
/s/Sen. Ronnie A. Sabb
/s/Sen. Billy Garrett
/s/Ms. Hope Blackley
/s/Mr. J.P. “Pete” Strom, Jr.

/s/Rep. Micajah P. “Micah” Caskey, IV
/s/Rep. J. Todd Rutherford
/s/Rep. Wallace H. “Jay” Jordan, Jr.
/s/Mr. Andrew N. Safran
/s/Ms. Lucy Grey McIver

APPENDIX

Report from the South Carolina Bar Judicial Qualifications Committee

The Honorable Kristi F. Curtis
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 Kristi F. Curtis' 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

Jason P. Luther
Court of Appeals: Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Jason P. Luther'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	Well-Qualified

Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

The Honorable Courtney Pope
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 Courtney Pope'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	Qualified
Experience	Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable John D. Geathers
Court of Appeals, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable John D. Geathers' candidacy for the Court of Appeals, Seat 3, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified

Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Paula H. Thomas
Court of Appeals, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Paula H. Thomas' candidacy for the Court of Appeals, Seat 4, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

The Honorable Eugene Warr
Circuit Court: 4th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Eugene Warr's candidacy for the Circuit Court: 4th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified

Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Ashley A. McMahan
Circuit Court: 5th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ashley A. McMahan's candidacy for the Circuit Cour: 5th Circuit, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Well-Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on her prior report.

Christopher Dolan Taylor
Circuit Court: 5th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Christopher Dolan Taylor's candidacy for the Circuit Court: 5th Circuit, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified

Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Justin T. Williams
Circuit Court: 5th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justin T. Williams' candidacy for the Circuit Court: 5th Circuit, Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

William K. Witherspoon
Circuit Court: 5th Circuit, Seat 1

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: 5th Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

The Honorable J. Derham Cole, Jr.
Circuit Court – 7th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge-Elect's J. Derham Cole, Jr.'s candidacy for the Circuit Court, 7th 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

Per the policies and procedures of the Judicial Qualifications Committee, this incumbent judge has elected to stand on his prior report.

The Honorable Deadre L. Jefferson
Circuit Court: 9th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The

Honorable Deadre L. Jefferson's candidacy for the Circuit Court: 9th Circuit, Seat 1 is as follows:

Overall	**Qualified***
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Well-Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this incumbent judge has elected to stand on her prior report.

Bryan A. Alfaro
Circuit Court: 9th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Bryan A. Alfaro's candidacy for the Circuit Court: 9th Circuit, Seat 2, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Russell D. Hilton
Circuit Court: 9th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Russell D. Hilton's candidacy for the Circuit Court: 9th Circuit, Seat 2 is as follows:

Overall	**Well-qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

Thomas J. Rode
Circuit Court: 9th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Thomas J. Rode's candidacy for the Circuit Court, 9th Circuit, Seat 2, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

R. Bruce Wallace
Circuit Court: 9th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding R. Bruce Wallace's candidacy for the Circuit Court: 9th Circuit, Seat 2 is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

The Honorable Rivers Lawton McIntosh
Circuit Court: 10th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Rivers Lawton McIntosh's candidacy for the Circuit Court: 10th 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 David Shawn Graham
Circuit Court: 11th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David Shawn Graham's candidacy for the Circuit Court: 11th Circuit Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

The Honorable Kyliene Lee Keesley
Circuit Court: 11th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Kyliene Lee Keesley's candidacy for the Circuit Court: 11th Circuit Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Derrick E. Mobley
Circuit Court: 11th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Derrick E. Mobley's candidacy for the Circuit Court: 11th Circuit Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Christian G. Spradley
Circuit Court: 11th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Christian G. Spradley's candidacy for the Circuit Court: 11th 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

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

Melissa A. Inzerillo
Circuit Court: 16th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Melissa Inzerillo's candidacy for the Circuit Court: 16th Circuit, Seat 2, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Joshua C.B. Allen
Circuit 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 Joshua C.B. Allen's candidacy for the Circuit Court: At-Large, Seat 7, 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	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

De Grant Gibbons
Circuit Court: At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding De Grant Gibbons' candidacy for the Circuit 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

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

Riley Maxwell
Circuit Court: At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Riley Maxwell's candidacy for the Circuit Court: At-Large, Seat 7 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

William Vickery Meetze
Circuit Court: At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding William Vickery Meetze's candidacy for the Circuit Court: At-Large, Seat 7, 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

Per the policies and procedures of the Judicial Qualifications Committee, this candidate has elected to stand on his prior report.

Jane H. Merrill
Circuit Court: At-Large, Seat 7

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Jane H. Merrill's candidacy for the Circuit 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 R. Keith Kelly
Circuit Court: At-Large, Seat 14

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable R. Keith Kelly's candidacy for the Circuit Court: At-Large, Seat 14, is as follows:

Overall	**Well-Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Experience	Well-Qualified
Reputation	Well-Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this incumbent Judge has elected to stand on his prior report.

The Honorable Maite Murphy
Circuit Court: At-Large, Seat 15

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Maite Murphy's candidacy for the Circuit Court: At-Large, Seat 15 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	Well Qualified
Reputation	Qualified
Judicial Temperament	Well Qualified

The Honorable Charles McCutchen
Circuit Court: At-Large, Seat 16

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Charles McCutchen's candidacy for the Circuit Court: At-Large, Seat 16 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

The Honorable Anne Gue' Jones
Family Court: 1st Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Anne Gue' Jones' candidacy for the Family Court: 1st Circuit, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Qualified

Shannon M. Chandler
Family Court: 2nd Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Shannon M. Chandler's candidacy for the Family Court: 2nd Circuit, Seat 1 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Amanda Frances Whittle
Family Court: 2nd Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Amanda Frances Whittle's candidacy for the Family Court: 2nd Circuit, Seat 1 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Angela W. Abstance
Family Court: 2nd Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Angela W. Abstance's candidacy for the Family Court: 2nd Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

William A.W. Buxton
Family Court: 3rd Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding William A.W. Buxton's candidacy for the Family Court: 3rd Circuit, Seat 1 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

E. Thompson Kinney
Family Court: 3rd Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding E. Thompson Kinney's candidacy for the Family Court: 3rd Circuit, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well Qualified

The Honorable Angela R. Taylor
Family Court: 3rd Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Angela R. Taylor's candidacy for the Family Court: 3rd Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Ernest Joseph Jarrett
Family Court: 3rd Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Ernest Joseph Jarrett's candidacy for the Family Court: 3rd 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

C. Heath Ruffner
Family Court: 4th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding C. Heath Ruffner's candidacy for the Family Court: 4th Circuit, Seat 2 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Michelle Manigault Hurley
Family Court: 5th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Michelle Manigault Hurley's candidacy for the Family Court: 5th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Michael Scott Rankin
Family Court: 5th Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Michael Scott Rankin's candidacy for the Family Court: 5th Circuit, Seat 3 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Coreen B. Khoury
Family Court: 6th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Coreen B. Khoury's candidacy for the Family Court: 6th Circuit, Seat 1 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Angela J. Moss
Family Court: 7th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Angela J. Moss' candidacy for the Family Court: 7th 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 Michael Todd Thigpen
Family Court: 7th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Michael Todd Thigpen's candidacy for the Family Court: 7th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Bryan C. Able
Family Court: 8th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Bryan C. Able's candidacy for the Family Court: 8th 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	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

Robert W. Cone
Family Court: 8th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Robert W. Cone's candidacy for the Family Court: 8th Circuit, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Qualified

James Conway Todd IV
Family Court: 8th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding James Conway Todd IV's candidacy for the Family Court: 8th Circuit, Seat 1 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Joseph Collins Smithdeal
Family Court: 8th Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Joseph Collins Smithdeal's candidacy for the Family Court: 8th Circuit, Seat 3 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Alice Ann Richter
Family Court: 9th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Alice Ann Richter's candidacy for the Family Court: 9th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Blakely Copeland Cahoon
Family Court: 9th Circuit, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Alice Ann Richter's candidacy for the Family Court: 9th Circuit, Seat 4 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable David J. Brousseau
Family Court: 10th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David J. Brousseau's candidacy for Family Court: 10th 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

Per the policies and procedures of the Judicial Qualifications Committee, this incumbent judge has elected to stand on his prior report.

The Honorable M. Scott McElhannon
Family Court: 10th Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable M. Scott McElhannon's candidacy for the Family Court: 10th Circuit, Seat 3 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Huntley Smith Crouch
Family Court: 11th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Huntley Smith Crouch's candidacy for the Family Court: 11th Circuit, Seat 2 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Qualified

The Honorable Robert E. Newton
Family Court: 11th Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Robert E. Newton's candidacy for the Family Court: 11th Circuit, Seat 3 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Qualified
Judicial Temperament	Qualified

The Honorable Alicia A. Richardson
Family Court: 12th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Alicia A. Richardson's candidacy for the Family Court: 12th 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 FitzLee Howard McEachin
Family Court: 12th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable FitzLee Howard McEachin's candidacy for the Family Court: 12th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Rochelle Y. Conits
Family Court: 13th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Rochelle Y. Conits' candidacy for the Family Court: 13th, 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 William Marsh Robertson
Family Court: 13th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable William Marsh Robertson's candidacy for the Family Court: 13th, 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

Jonathan D. Hammond
Family Court: 13th Circuit, Seat 6

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Jonathan D. Hammond's candidacy for the Family Court: 13th, Seat 6 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Marcelo Torricos
Family Court: 13th Circuit, Seat 6

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Marcel Torricos' candidacy for the Family Court: 13th, Seat 6 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Gerald Smoak, Jr.
Family Court: 14th Circuit, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Gerald Smoak, Jr.'s candidacy for the Family Court: 14th 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 Jan B. Bromell Holmes
Family Court: 15th Circuit, Seat 1

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 Family Court: 15th Circuit, Seat 1, is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Experience	Qualified
Reputation	Qualified
Judicial Temperament	Well-Qualified

Per the policies and procedures of the Judicial Qualifications Committee, this incumbent Judge has elected to stand on her prior report.

The Honorable David Glenn Guyton
Family Court: 16th Circuit, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David Glenn Guyton's candidacy for the Family Court: 16th Circuit, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Kimaka Nichols-Graham
Family Court: At-Large, Seat 1

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Kimaka Nichols-Graham's candidacy for the Family Court: At-Large, Seat 1 is as follows:

Overall	**Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Qualified
Experience	Well Qualified
Reputation	Qualified
Judicial Temperament	Well Qualified

The Honorable Timothy E. Madden
Family Court: At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Timothy E. Madden's candidacy for the Family Court: At-Large, Seat 2 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable James G. McGee III
Family Court: At-Large, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable James G. McGee III's candidacy for the Family Court: At-Large, Seat 3 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable Monet S. Pincus
Family Court: At-Large, Seat 4

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Monet S. Pincus' candidacy for the Family Court: At-Large, Seat 4 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	Qualified
Judicial Temperament	Qualified

The Honorable Randall E. McGee
Family Court: At-Large, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Randall E. McGee's candidacy for the Family Court: At-Large, Seat 5 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Honorable David E. Phillips
Family Court: At-Large, Seat 6

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable David E. Phillips' candidacy for the Family Court: At-Large, Seat 6 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

Kristian Cross
Administrative Law Court: Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Kristian Cross' candidacy for the Administrative Law Court: 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 Bryan S. Jeffries
Administrative Law Court: Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Bryan S. Jeffries' candidacy for the Administrative Law Court: 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

Samuel L. Johnson
Administrative Law Court: Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Samuel L. Johnson's candidacy for the Administrative Law Court: 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 Robert L. Reibold
Administrative Law Court: Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding The Honorable Robert L. Reibold's candidacy for the Administrative Law Court: Seat 3 is as follows:

Overall	**Well Qualified**
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well Qualified
Character	Well Qualified
Professional and Academic Ability	Well Qualified
Experience	Well Qualified
Reputation	Well Qualified
Judicial Temperament	Well Qualified

The Judicial Merit Selection Committee's Draft Report of Candidate Qualifications is entered as received without content edits.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Amon Achilles Martin, Jr. of Seneca, S.C. Amon graduated from Fisk University in 1961 and Howard University College of Dentistry in 1965. He was then commissioned as a United States Air Force Captain where he served as a general dental officer for two years. He received many awards during his time in the Air Force and retired as Lieutenant Colonel in 1992. He opened Hare & Martin Dentistry where he served the community for fifty-six years. Amon was a member of many organizations including the American Dental Association, Piedmont District Dental Society, Palmetto Medical Dental and Pharmaceutical Association, Omega Psi Phi Fraternity, The Boule Sigma Pi Phi Fraternity, Clemson Board of Visitors and Foundation and the Seneca Advisory Board of South Carolina National Bank to mention a few. Amon was an active member of Ebenezer Baptist Church where he served as a trustee. Amon was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators DEVINE, JACKSON, ADAMS, ALEXANDER, ALLEN, BENNETT, BLACKMON, CAMPSEN, CASH, CHAPLIN, CLIMER, CORBIN, CROMER, DAVIS, ELLIOTT, FERNANDEZ, GAMBRELL, GARRETT, GOLDFINCH, GRAHAM, GROOMS, HEMBREE, HUTTO, JOHNSON, KENNEDY, KIMBRELL, LEBER, MARTIN, MASSEY, MATTHEWS, NUTT, OTT, PEELER, RANKIN, REICHENBACH, RICE, SABB, STUBB, SUTTON, TEDDER, TURNER, VERDIN, WALKER, WILLIAMS, YOUNG and ZELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of the former Honorable Senator Kay Patterson of Columbia, S.C. Senator Patterson attended Claflin College for two years before enlisting in the U.S. Marine Corps where he earned the rank of Buck Sergeant and served until 1953. He graduated from Allen University in 1956 and earned a master's degree in education from South Carolina State University in 1971. Senator Patterson was a classroom teacher for fourteen years. He served on the board of trustees for the University of South Carolina and served as a UniServ Representative for the S.C. Education Association before retiring in 1986. Senator Patterson was awarded the Honorary Doctor of Law degree from S.C. State University, the Honorary Doctorate of Public Service from the University of South Carolina and was honored in the AT&T 2003 S.C. African American History Calendar. Senator Patterson served in the House of Representatives for eleven years before representing Richland County in the South Carolina Senate for over twenty years. He was a member of Brookland Baptist Church, Omega Psi Phi Fraternity, Edisto Lodge No. 39, Prince Hall Masons and NAACP to mention a few. Senator Patterson was a loving father, doting grandfather and devoted servant of our State.

and

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John W. Parris of Columbia, S.C. John was a nationally recognized agriculturalist who had a long career mentoring young people and helping South Carolina farmers. He was a Clemson University graduate who taught agriculture before working as the director of the South Carolina Land Resources Commission. John later served as an interim director of Clemson's Sandhills Research and Education Center and was put in charge of public affairs for South Carolina's Future Farmers of America. John was a dedicated South Carolinian who improved our State with teaching, mentoring and work for decades and will be great missed.

ADJOURNMENT

At 1:03 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

THURSDAY, JANUARY 16, 2025

SENATE JOURNAL INDEX