

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

DeAndrea Gist Benjamin (née DeAndrea Gist)

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the Fourth Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Richland County Judicial Center
1701 Main Street, Room 215
Columbia, South Carolina 29201

4. **Birthplace**: State year and place of birth.

1972; Columbia, South Carolina

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1994 – 1997, University of South Carolina School of Law; J.D., 1997

1990 – 1994, Winthrop University; B.A., 1994

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – present
South Carolina Judicial Branch
Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street, Room 215

Columbia, South Carolina 29201
Circuit Court Judge

2004 – 2011
City of Columbia Municipal Court
811 Washington Street
Columbia, South Carolina 29201
Municipal Judge

2001 – 2011
Gist Law Firm
4400 North Main Street
Columbia, South Carolina 29203
Partner (non-equity)

2001 – 2004
South Carolina Board of Juvenile Parole
100 Executive Drive
Columbia, South Carolina 29210
Vice-Chair (2002 – 2003)
Member (2001 – 2004)

1999 – 2001
Office of the Attorney General of South Carolina
Rembert C. Dennis Building
1000 Assembly Street, Room 519
Columbia, South Carolina 29201
Assistant Attorney General

1998 – 1999
Fifth Judicial Circuit Solicitor's Office
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Assistant Solicitor, Juvenile/Family Court Division

1997 – 1998
South Carolina Judicial Branch
Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street, Suite 214
Columbia, South Carolina 29201
Law Clerk for the Honorable L. Casey Manning

Other Affiliations (uncompensated):

2012 – present
Columbia Chapter of The Links, Incorporated
(This organization does not maintain a physical location)
President (2018 – 2022)

2009 – present
Columbia Chapter of Jack & Jill of America, Inc.
(This organization does not maintain a physical location)
Parliamentarian (2014 – 2018)

2006 – 2011
EdVenture Children’s Museum
211 Gervais Street
Columbia, South Carolina 29201
Board Member (2009 – 2012)

2005 – 2015
St. John Preparatory School
3404 West Beltline Boulevard
Columbia, South Carolina 29203
Board Member (2005 – 2015)

2004 – 2007
Congaree Girl Scouts (no longer exists)
Board Member (2004 – 2007)

2003 – 2010
Appleseed Legal Justice Center
1518 Washington Street
Columbia, South Carolina 29201
Board Member (2003 – 2010)

2001 – present
South Carolina Bar
950 Taylor Street
Columbia, South Carolina 29201
Board of Governors (2007 – 2009)
House of Delegates (2002 – 2009)
Young Lawyers Division, Chair (2006 – 2007)

1999 – 2001
Pathways to Healing f/k/a Sexual Trauma Services of the Midlands
3830 Forest Drive, Suite 201
Columbia, South Carolina 29204
Board Member (1999 – 2001)

1998 – present

American Bar Association

321 North Clark Street

Chicago, Illinois 60654

Young Lawyers Division, District Representative for South Carolina/U.S. Virgin Islands
(2003 – 2005)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Richland County School District 2 Black History Honoree Award (2019)

Capital City Classic Awards Luncheon Award Winner (2017)

Phenomenal Women’s Award, Capital City Club (2015)

Women of Influence Award, The First Ladies’ Tea (2012)

The State newspaper/Columbia Business Journal “20 Under 40” (2007)

W.K. Kellogg Foundation Child Advocacy Fellow (1996)

Political Science National Honor Society (1994)

Order of the Omega (1994)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

Young Lawyers Division

District Representative for South Carolina/U.S. Virgin Islands (2003 –
2005)

Minorities in the Profession

Scholar (1998 – 1999)

Columbia Lawyers Association (1997 – 2015)

Richland County Bar Association (1997 – present)

South Carolina Bar

Children's Law Committee

Chair (2010 – 2011)

Board of Governors (2007 – 2009)

House of Delegates (2002 – 2009)

Young Lawyers Division

Chair (2006 – 2007)

Social Committee, Chair (2003 – 2004)

Teen Court, Chair (2002 – 2003)

Law Week Chair for Richland/Lexington (2002 – 2003)

Fifth Circuit Representative (2001 – 2003)

Lawyers Lock-up, Co-Chair (2001)

Lawsuit Project, Chair (2001)

Adopt-a-Shelter, Member (1998 – 2007)

DSS Playground Project, Member (1998 – 2007)

Diversity in the Profession, Member (1998 – 2007)

Courthouse Keys, Member (1998 – 2007)

At-Risk Mentor Project, Chair (1998 – 1999)

South Carolina Black Lawyers Association (1997 – present)

South Carolina Women Lawyers Association (1997 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

South Carolina, 1997

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fourth Circuit, 2002

United States District Court for the District of South Carolina, 2001

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Appleseed Legal Justice Center
Board Member (2003 – 2010)

Columbia Chapter of Jack & Jill of America, Inc. (2009 – present)
Parliamentarian (2014 – 2018)

Columbia Chapter of The Links, Incorporated (2012 – present)
President (2018 – 2022)

Columbia Chapter of the MOLES, Inc. (2013 – present)

Columbia Chapter of Smart Set, Inc. (2004 – present)

Congaree Girl Scouts
Board Member (2004 – 2007)

Delta Sigma Theta Sorority, Incorporated (1992 – present)
Columbia Alumnae Chapter

EdVenture Children’s Museum (2006 – 2011)
Board Member (2009 – 2012)

Pathways to Healing f/k/a Sexual Trauma Services of the Midlands, Board
Member (1999 – 2001)

Resnick Aspen Institute/Liberty Fellowship (Class of 2015)

St. John Preparatory School, Columbia, South Carolina, Board Member (2005 –
2015)

University of South Carolina
Community Advisory Committee (2003 – present)
Diversity Task Force (2009 – 2010)

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above

currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Links, Incorporated and Delta Sigma Theta Sorority, Incorporated are international service organizations that extend membership to women. Additionally, Jack and Jill of America, Inc., an organization that focuses on educational and cultural opportunities for children, also limits membership to mothers, but has a fathers auxiliary. The Columbia Chapter of the MOLES, Inc. and the Columbia Chapter of Smart Set, Inc. are social organizations for women and have complimentary components for partners and spouses.

To the best of my knowledge, none of these organizations currently discriminates on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies. It is my understanding that, more than 50 years prior to my joining its committees, the University of South Carolina intentionally excluded black people from enrollment. The University began enrolling black students in 1963. It is my understanding that, more than 100 years prior to my joining its committees, the University of South Carolina intentionally excluded women from enrollment. The University began enrolling white women in 1893.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

A Message from Our President: DeAndrea Gist Benjamin, The Links, Incorporated (May 2018). Copy supplied.

"Why Doesn't She Leave?" The Psychology of a Domestic Violence Victim, Am. Bar Ass'n Affiliate Newsl. (Nov./Dec. 2000). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

University of South Carolina Diversity Task Force, University of South Carolina System Strategic Plan for Diversity (Nov. 3, 2010). Copy supplied.

South Carolina Bar, South Carolina Bar Crisis Management Disaster Response Plan (Sept. 2005) (specific date unknown). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

November 16, 2020: I testified before the South Carolina General Assembly's Judicial Merit Selection Commission for election to be a Court of Appeals Judge. Copies of the documents I submitted to the Judicial Merit Selection Commission and transcripts of the hearing are supplied.

November 12, 2018: I testified before the South Carolina General Assembly's Judicial Merit Selection Commission for re-election as a Circuit Court Judge. Copies of the documents I submitted to the Judicial Merit Selection Commission and transcripts of the hearing are supplied.

November 27, 2012: I testified before the South Carolina General Assembly's Judicial Merit Selection Commission for re-election as a Circuit Court Judge. Copies of the documents I submitted to the Judicial Merit Selection Commission and transcripts of the hearing are supplied.

November 16, 2010: I testified before the South Carolina General Assembly's Judicial Merit Selection Commission for election to be a Circuit Court Judge. Copies of the documents I submitted to the Judicial Merit Selection Commission and transcripts of the hearing are supplied.

November 3, 2009: I testified before the South Carolina General Assembly's Judicial Merit Selection Commission for election to be a Family Court Judge. Copies of the documents I submitted to the Judicial Merit Selection Commission and transcripts of the hearing are supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

May 20, 2022: Panelist, "May It Please the Court: Judicial Panel Best Practices" SCSBA Council of School Attorneys, Columbia, South Carolina. The panel was on tips from the bench. I have no notes, transcript, or recording. The address for

the South Carolina School Boards Association is 111 Research Drive, Columbia, South Carolina 29203.

April 7, 2022: Speaker, “28th Annual Women of Distinction: Midlands 2022” Girl Scouts of South Carolina Mountains to Midlands. Notes supplied.

May 12, 2021: Moderator, “2021 Recent Developments in Employment & Labor Law: A Discussion with Bakari Sellers: Memoirs, Life Experiences, and Reflections on Today’s Racial Climate in Society and Employment,” South Carolina Bar Employment Law CLE, Columbia, South Carolina. Notes supplied.

March 25, 2021: Panelist, “Female Judges Forum,” The South Carolina Bar Diversity Committee, Columbia, South Carolina. This virtual panel was in recognition of Women’s History Month. I have no notes, transcript, or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

February 12, 2021: Speaker, “Edna Primus” Richland County Bar Webinar for Women’s History Month/Black History Month. Video available at <https://www.facebook.com/richlandcountybar/videos/judge-deandrea-gist-benjamin/263219968536195>.

October 14, 2019: Speaker, “Journey to Clerkship,” Matthew J. Perry Chapter of Black Law Students Association (BLSA), Columbia, South Carolina. I provided tips for securing a judicial clerkship. I have no notes, transcript, or recording. The address for the Matthew J. Perry Chapter of BLSA is 1525 Senate Street, Columbia, South Carolina 29201.

January 29, 2019: Speaker, Courthouse visit by the Center for Knowledge and the Center for Knowledge North, Columbia, South Carolina. I introduced children to the legal system by giving them a tour of the courthouse and explained the basic jobs of judges and attorneys. I have no notes, transcript, or recording. The address for Center for Knowledge is 3006 Appleby Lane, Columbia, South Carolina 29223 and the address for Center for Knowledge North is 1043 Muller Road, Blythewood, South Carolina 29016.

December 21, 2018: Speaker, “The Delta Assembly,” Columbia Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, Columbia, South Carolina. I gave a welcome address at a cotillion. I have no notes, transcript, or recording. The address for the Columbia Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated is 5307 Fairfield Road, Columbia, South Carolina 29203.

May 2018 (specific date unknown): Speaker, “A Message from Our President: DeAndrea Gist Benjamin,” The Links, Incorporated, Columbia, South Carolina. Remarks previously supplied in response to Question 12(a).

April 17, 2018: Speaker, "Induction into Honors Society," Eau Claire High School, Columbia, South Carolina. I spoke at the ceremony where high school students were inducted into the National Honors Society. I have no notes, transcript, or recording. The address for Eau Claire High School is 4800 Monticello Road, Columbia, South Carolina 29203.

September 17, 2018: Speaker, "Order in the Court," Dent Middle School Constitution Day, Columbia, South Carolina. Presentation supplied.

February 20, 2018: Panelist, "The Commitment to Serve," Columbia College, Columbia, South Carolina. I spoke on a panel in the S.P.E.A.R.S. (Speaking with Purpose Engaging in Advocacy Reconciling Social Justice) Table Talks where I talked about the judicial process. I have no notes, transcript, or recording. The address for Columbia College is 1301 Columbia College Drive, Columbia, South Carolina 29203.

October 3, 2017: Speaker, Judge Dennis Shedd's "4th Circuit Practice" class at the University of South Carolina School of Law, Columbia, South Carolina. I spoke to Judge Shedd's class about practicing before trial courts. I have no notes, transcript, or recording. The address for the University of South Carolina School of Law is 1525 Senate Street, Columbia, South Carolina 29201.

August 30, 2017: Panelist, "What corporate and in-house counsel should know when appearing in court," Association of Corporate Counsel, Columbia, South Carolina. The panel was on the best practices for corporate attorneys when appearing in court. I have no notes, transcript, or recording. The address for the Association of Corporate Counsel Global Headquarters 1001 G Street, Northwest, Suite 300W, Washington, DC 20001.

June 9, 2016: Panelist, "Pathway to Judgeship in SC" Luncheon, South Carolina Women Lawyers Association, Columbia, South Carolina. The panel was on the Judicial Merit Selection Commission and the process of becoming a judge in South Carolina. I have no notes, transcript, or recording. The address for South Carolina Women Lawyers Association is P.O. Box 11910, Columbia, SC 29211.

October 1, 2015: Panelist, "Media Law School Civil Trial Panel," University of South Carolina School of Law, Columbia, South Carolina. Transcript supplied.

June 28 – 31, 2015 (specific date unknown): Panelist, "Race and Justice," Aspen Institute Action Forum, Aspen, Colorado. The panel was about how leaders can respond to contemporary questions about the American judicial system. I have no notes, transcript, or recording. The address for the Aspen Institute is 1000 North Third Street, Aspen, Colorado 81611.

June 3, 2015: Speaker, "DARE," Conder Elementary, Columbia, South Carolina. I spoke to students about the risks of drug use and how courts handle drug crimes.

I have no notes, transcript, or recording. The address for Conder Elementary is 8040 Hunt Club Road, Columbia, South Carolina 29223.

September 2015 (specific date unknown): Panelist, “Hot Topics from the Bench,” South Carolina Black Lawyers Association Retreat. I gave tips for courtroom practice. I have no notes, transcript, or recording. The South Carolina Black Lawyers Association does not have a physical address.

March 30, 2015: Speaker, “City Talk: Let’s Move! Easter Egg Hunt,” Columbia, South Carolina. Video available at <https://www.youtube.com/watch?v=eicfpcPQ05w>.

September 18, 2014: Speaker, “Legal Issues Facing Women Today.” After a thorough search of my records, I cannot recall which organization I spoke to on the above topic, or the location of the event. Speech supplied.

September 15, 2014: Speaker, “Constitution Day,” Benedict College, Columbia, South Carolina. Speech supplied.

September 2014 (specific date unknown): Panelist, “Hot Topics from the Bench,” South Carolina Black Lawyers Association Retreat. I gave tips for courtroom practice. I have no notes, transcript, or recording. The South Carolina Black Lawyers Association does not have a physical address.

May 30, 2014: Speaker, “What Judges Want Straight from the Bench,” South Carolina Bar Criminal Defense Practice Essentials CLE, Columbia, South Carolina. Notes supplied.

May 15, 2014: Speaker, The South Carolina Bar Lawyer Mentoring Program, Columbia, South Carolina. I do not recall the content of the remarks. I have no notes, transcript, or recording. The address for the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

February 18, 2014: Panelist, “Tips from the Bench,” 23rd Annual Criminal Practice in South Carolina, South Carolina Bar, Columbia, South Carolina. I gave tips for courtroom practice. I have no notes, transcript, or recording. The address for the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

September 2013 (specific date unknown): Panelist, “Hot Topics from the Bench,” South Carolina Black Lawyers Association Retreat. I gave tips for courtroom practice. I have no notes, transcript, or recording. The South Carolina Black Lawyers Association does not have a physical address.

November 20, 2012: Speaker, “Career Day,” Center for Knowledge, Columbia, South Carolina. I introduced children to the legal system by explaining the basic jobs of judges and attorneys. I have no notes, transcript, or recording. The address

for the Center for Knowledge is 3006 Appleby Lane, Columbia, South Carolina 29223.

May 5, 2012: Speaker, "Red Shoe Luncheon," Greenville Chapter of Delta Sigma Theta, Greenville, South Carolina. Notes supplied.

January 12, 2012: Panelist, "A Celebration Commemorating the Life and Legacy of Dr. Martin Luther King Jr.," Matthew J. Perry Chapter of Black Law Students Association (BLSA), Columbia, South Carolina. The panel was put on by the Black Law Students Association in conjunction with the University of South Carolina School of Law to discuss and celebrate the accomplishments and legacy of Dr. Martin Luther King Jr. I have no notes, transcript, or recording. The address for the Matthew J. Perry Chapter of BLSA is 1525 Senate Street, Columbia, South Carolina 29201.

October 31, 2011: Speaker, "Career Day," Center for Knowledge, Columbia, South Carolina. I introduced children to the legal system by explaining the basic jobs of judges and attorneys. I have no notes, transcript, or recording. The address for the Center for Knowledge is 3006 Appleby Lane, Columbia, South Carolina 29223.

May 2011 (specific date unknown): Speaker, "Investiture Speech," Columbia, South Carolina. I spoke at my investiture as a Circuit Court judge. I have no notes, transcript, or recording. The address for the Richland County Judicial Center is 1701 Main Street, Columbia, South Carolina 29201.

In addition to the above speaking engagements, I may have given informal talks for which I am unable to identify specific records and dates. During my tenure as a Circuit Court Judge, I may have given informal talks on current topics in the Circuit Court. During my time as a member of the Young Lawyers Division of the American Bar Association and South Carolina Bar, I may have given informal talks for which I am unable to identify specific records and dates. Topics may have included best practices for young lawyers, pro bono work, and community service.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Michael Sauls, *'Columbia Embraced Me': Steve Benjamin Focuses on Family, Academia After 12 Years as Mayor*, The Daily Gamecock (Apr. 23, 2022). Copy supplied.

John Monk, *Columbia State Judge Loses SC Court of Appeals Race to Florence Family Court Judge*, The State (SC) (Feb. 3, 2021). Copy supplied.

Jamie Lovegrove, *SC Judge, Wife of Columbia Mayor, Faces Questionable Attacks in Bid for Promotion*, Post & Courier (SC) (Jan. 31, 2021). Copy supplied.

Columbia Links Chapter Wins National Award, Carolina Panorama (SC) (Sept. 3, 2020). Copy supplied.

Cola Daily Staff, *Columbia to Celebrate 5th Anniversary of Lets Move! Initiative With Family Fitness Day*, ColaDaily.com (May 5, 2015). Copy supplied.

Jamie Self, *Wife of Columbia's Mayor Re-elected as Circuit Judge*, The State (SC) (Jan. 31, 2013). Copy supplied.

Judicial Profile: The Honorable DeAndrea Gist Benjamin, The Def. Line, Summer 2012. Copy supplied.

Tyler Ryan, *Deandrea Benjamin on Good Day*, WACH Fox (Apr. 6, 2012). Video available at <https://www.youtube.com/watch?v=pR8V6vUaoMk>.

Clif LeBlanc, *City's First Lady Becomes Circuit Judge*, The State (SC) (Feb. 3, 2011). Copy supplied.

Adam Beam & Noelle Phillips, *Blacks Note Historic Event*, Post & Courier (SC) (June 30, 2010). Copy supplied.

Roddie Burris, *Fuss 'Got Downright Ugly'*, The State (SC) (Feb. 4, 2010). Copy supplied.

20 Under 40: DeAndrea Gist Benjamin on Herself: "Dedicated" – It's all in the family for this lawyer, The State, Jan. 8, 2007. Copy supplied.

Rick Brundrett, *Abuse Victim Now Fears Poverty*, The State, June 17, 2001. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since 2011 I have served as a South Carolina Circuit Court Judge. I was elected to serve as a resident Circuit Court judge by the South Carolina General Assembly in 2011, and completed the remaining year of my predecessor's unexpired term. In 2013 and 2019, the General Assembly re-elected me to the Circuit Court. The South Carolina Circuit Court is the state's trial court of general jurisdiction.

The Chief Justice of the South Carolina Supreme Court also appointed me to serve as the

Chief Administrative Judge on several occasions: for General Sessions (criminal court) and State Grand Jury from July 2012 to December 2013 and January 2019 to December 2020, and for Common Pleas (civil court) from July 2016 to July 2017. In this role I was responsible for the administration of the civil and criminal dockets. As Chief Administrative Judge for General Sessions, I was presiding judge of the South Carolina State Grand Jury. Additionally, I served as an Acting Justice of the South Carolina Supreme Court for civil and criminal matters on occasion when requested by the Chief Justice of the South Carolina Supreme Court.

From 2004 to 2011, I served as a Municipal Judge for the City of Columbia. I handled a range of misdemeanor crimes and presided over jury trials, bond court, preliminary hearings, and specialized Criminal Domestic Violence court and Quality of Life court.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

As a South Carolina Circuit Court Judge, I have presided over approximately 300 trials. As a Municipal Court Judge, I presided over thousands of matters, including jury trials.

- i. Of these cases, approximately what percent were:

jury trials:	90%
bench trials:	10%

- ii. Of these cases, approximately what percent were:

civil proceedings:	40%
criminal proceedings:	60%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

As a South Carolina Circuit Court Judge, my opinions are unpublished consistent with Circuit Court practice and none appear to be available on legal databases. As a Municipal Court Judge, I did not issue written opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State v. Crumley*, 2017-GS-3202755

In this case, Ms. Crumley was charged with felony DUI resulting in death after

Ms. Crumley crossed the center line of a road and struck a motorcyclist and another vehicle, with the motorcyclist dying at the scene. Ms. Crumley was exhibiting signs of intoxication at the scene and a blood sample confirmed that she had opioids in her system at the time of the crash. This case was part of a growing number of DUIs resulting from opioid abuse.

The case came before me as a guilty plea with no plea negotiations or recommendations from the State. I ordered a pre-sentence investigation to aid in my sentencing analysis. At the sentencing hearing, I considered the nature of the offense, victim impact, mitigation provided by the defendant, the recommendations from the pre-sentencing investigation, and the fact that Ms. Crumley tested positive for opioids at the sentencing hearing. The sentencing hearing lasted a few hours as many people came forward to give impact statements. After considering all the evidence and testimony, I sentenced Ms. Crumley to 21 years incarceration. The sentence was not appealed.

Counsel for the State

Todd Michael Wagoner
Eleventh Circuit Solicitor's Office
205 East Main Street, Suite 309
Lexington, SC 29072
(803) 785-8352

Defendant's Counsel

Matthew Day Bodman
Matt Bodman, PA
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(803) 806-8605

Jason P. Peavy
Law Office of Jason P. Peavy, LLC
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Columbia, SC 29201
(803) 799-2643

2. *State v. King*, 422 S.C. 47 (2017)

This is a case where I sat by designation on the South Carolina Supreme Court. The questions before the Court were whether the South Carolina Court of Appeals (1) erred in holding that attempted murder was a specific-intent crime, (2) erred in holding that an officer's testimony was inadmissible hearsay, and (3) erred in affirming the admission and publishing of a detention center phone call made by Mr. King.

I concurred in the Court's holding that attempted murder is a specific-intent crime as case law has established that attempt crimes require specific intent. The Court also found that a majority of other jurisdictions also designated attempted murder as a specific-intent crime. In so holding, the Court affirmed the Court of Appeals. I concurred in the Court's holding that the officer's testimony was inadmissible hearsay. The Court found that the officer's testimony was based entirely on what other out of court witnesses communicated to the officer and that there was no recognized exception to hearsay for "investigative information" offered for the truth of the matter asserted. I concurred in the Court's holding that the trial judge abused their discretion in admitting and publishing the detention center phone call made by Mr. King. The Court found that the trial judge erred in refusing to listen to the phone call before it was published to the jury and that the trial judge could not have made a finding on whether the probative value of admitting the phone call outweighed any unfair prejudice.

Counsel for the State, Petitioner/Respondent

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101 Meeting Street, Suite 400
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(843) 958-1900

Defendant's Counsel, Respondent/Petitioner

Robert Michael Dudek
South Carolina Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, SC 29201
(803) 734-1330

3. *State v. Bash*, 419 S.C. 263 (2017)

This is a case where I sat by designation on the South Carolina Supreme Court. The question before the Court was whether the South Carolina Court of Appeals erred in reversing the trial court's suppression order.

I concurred in the Court's holding reinstating the trial court's suppression order, on the ground that the officers conducted a warrantless search of Mr. Bash's property. The trial court had concluded that the officers entered the property to conduct a search and that there was no warrant or Fourth Amendment exception that applied. The Court held that there was sufficient evidence to determine that the grassy area where the police encountered Mr. Bash was curtilage and that the trial court correctly considered the *Dunn* factors. 480 U.S. 294 (1987).

Counsel for the State, Respondent

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Alan McCrory Wilson
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Scarlett Anne Wilson
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101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958-1900

Defendant's Counsel, Petitioner

Susan Barber Hackett
South Carolina Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, SC 29201
(803) 734-1330

4. *State v. Matthews*, 2015-GS-470027

In this case, Mr. Matthews came before me charged with four counts of trafficking in persons, one count of conspiracy to commit trafficking in persons, and four counts of contributing to the delinquency of a minor. The arrest was made pursuant to then-recent authorization for a State Grand Jury investigation into statewide human trafficking. Mr. Matthews was one of six individuals arrested as a result of this investigation.

When the case came before me, the trial would have been the first pursuant to statewide human trafficking investigations. On November 1, 2016, Mr. Matthews pled guilty and I sentenced him to 17 years incarceration, issued a permanent restraining order as to his victims, and ordered he register as a sex offender. The sentence was not appealed.

Counsel for the State

Kinli Bare Abee
South Carolina Attorney General's Office
Rembert Dennis Building
1000 Assembly Street, Room 519
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5. *Mack v. Lott*, 2010-CP-40-05214, *aff'd*, No. 2017-001734, 2022 WL 167488 (S.C. Ct. App. Jan. 19, 2022), *reh'g denied* (Mar. 25, 2022). Copy supplied.

In this case, Mr. Mack sued Sheriff Lott, in his official capacity as Sheriff of Richland County, for false imprisonment, negligence, gross negligence, negligent training, assault, and battery. The case involved differing interpretations of a grainy police dashcam video, the arrest of a SLED-certified private security guard, and an award to the security guard on his false arrest claim against Sheriff Lott. Mr. Mack was a private security guard who was confronted by a Sheriff's

deputy, Mr. Gore, after Mr. Mack arrested Mr. Williamson, who was a frequent trespasser. Mr. Gore testified that he saw Mr. Mack tackle Mr. Williamson in the middle of the street and that Mr. Mack had therefore made an arrest off the private property he had jurisdiction over.

I presided over a bench trial and on April 6, 2012, I found for Mr. Mack in the amount of \$7,500. After I denied a motion to reconsider, the Court of Appeals remanded the case for further fact-finding on the issue of probable cause. Sheriff Lott argued that I (1) failed to consider the dashcam video from Mr. Gore's police car from the perspective of an objectively reasonable law enforcement officer on the scene and (2) failed to rule as a matter of law that an objectively reasonable officer could have perceived or concluded Mr. Mack committed simple assault in the public roadway. I found the dashcam video of the incident was not determinative, as the quality was too poor and it did not depict the events leading to Mr. Williamson's arrest, and that Mr. Gore's testimony was not consistent with any of the other evidence presented. Sheriff Lott appealed my ruling and the South Carolina Court of Appeals affirmed.

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6. *State v. Slocumb*, 1996-GS-40-11974, 11979, 11980, 12010, 12004, *aff'd*, 412 S.C. 88 (Ct. App. 2015).

In this case, Mr. Slocumb appealed his aggregate sentence of 132 years for offenses – including burglary, first degree criminal sexual conduct, robbery, kidnapping, and escape – he committed when he was a juvenile (Judge Johnson

was the sentencing judge), arguing it was the functional equivalent of a life sentence without parole and violated the Eighth Amendment prohibition against cruel and unusual punishment.

Mr. Slocumb filed a habeas petition pursuant to *Graham v. Florida*, 560 U.S. 48 (2010), and the District Court for the District of South Carolina granted his petition. This case came before me on remand to the circuit court by the district court for resentencing as to Mr. Slocumb's burglary charge. Mr. Slocumb argued that I had jurisdiction to resentence him on all of his aggregate non-violent charges. I found that I did not have jurisdiction to resentence on any charges other than the burglary charge, as directed by the District Court. I sentenced Mr. Slocumb to 50 years incarceration on the burglary charge where his original sentence was life imprisonment. This sentence ran consecutive with the 80-year sentence on Mr. Slocumb's other charges, resulting in an aggregate sentence of 130 years. Mr. Slocumb appealed my ruling and the South Carolina Court of Appeals affirmed.

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7. *State v. Parker*, 2012A4010400032 – 033, *aff'd*, No. 2013-001238, 2015 WL 9594410 (S.C. Ct. App. Dec. 30, 2015).

In this case, Mr. Parker was charged with murdering his wife and business partner. The case received national attention as Mr. Parker was a well-known sports bookie.

I presided over the trial, which lasted more than three weeks. After the jury returned a guilty verdict, I sentenced Mr. Parker to two consecutive life sentences without the possibility of parole. Mr. Parker appealed my admission of expert testimony and my refusal to give his requested “circumstantial evidence” jury charge. The South Carolina Court of Appeals affirmed my rulings.

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8. *Moorer v. Norfolk S. Ry. Co.*, 2010-CP-40-05460, *aff’d*, No. 2014-UP-123, 2014 WL 2581554 (S.C. Ct. App. Mar. 19, 2014).

In this case, Mr. Moorer brought an action pursuant to the Federal Employers’ Liability Act alleging that on multiple occasions he had sustained heat-related injuries while working for Norfolk Southern Railway (Railroad). I presided over the trial, which required application of federal negligence statutes. The jury awarded \$1,100,000 to Mr. Moorer. I conducted a contributory negligence analysis and found that Mr. Moorer was 40 percent negligent, resulting in a \$660,000 award. The Railroad appealed my denial of its motion for directed verdict motion and motion for judgment notwithstanding the verdict. The South Carolina Court of Appeals affirmed my decision.

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9. *Richland Cty. Sheriff's Dep't v. Awde*, 2010-CP-40-07546, *aff'd*, No. 2014-MO-024, 2014 WL 3016205 (S.C. July 2, 2014). Copy supplied.

In this case, the Richland County Sheriff's Department appealed orders from the magistrate court finding no probable cause to seize two "Chess Challenge II" game machines from a gas station pursuant to S.C. Code Ann. § 12-21-2710. The Department alleged that the machines were illegal games of chance, or gambling machines, but its investigator testified that he did not play either game, did not observe anyone playing either game, and did not have experience distinguishing between games of skill or chance.

After a review of the magistrate's findings below, I found that the two "Chess Challenge II" devices were legal games of skill, not chance, and were wrongfully seized. The Sheriff's Department appealed my decision to the South Carolina Supreme Court and my decision was affirmed.

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10. *State v. Brown*, 2010-GS-45-00197, *aff'd*, 402 S.C. 119 (2013).

In this case, Mr. Brown was charged with two counts of grand larceny. Mr. Brown attempted to sell vehicles that he did not own and subsequently had them scrapped.

The issues in this case were whether an amendment to S.C. Code Ann. § 16-13-30, which increased the value of stolen goods threshold for grand larceny from \$1,000 to \$2,000, should be applied retroactively to Mr. Brown's case, and if the direct testimony of the property owner as to the value of said property was admissible in determining the value of property for purposes of sentencing. I found that the amendment to § 16-13-30 should not be applied retroactively. I further found that a property owner could testify to the value of his property and that any questions regarding the value testified to went to the weight of the evidence and not its admissibility. The South Carolina Supreme Court affirmed my decision.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Stonington Cmty. Ass'n Inc. v. Taylor*, 2018-CP-40-06557 (May 28, 2021).
Copy supplied.

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2. *Brawley v. Richland Cty.*, 2015-CP-40-01805 (Feb. 13, 2020). Copy supplied.

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3. *Opternative, Inc. v. S.C. Bd. of Med. Examiners*, 2016-CP-40-06276 (Feb. 1, 2018), *rev'd*, 433 S.C. 405 (Ct. App. 2021). Copy supplied.

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4. *Mack v. Lott*, 2010-CP-40-05214 (Jul. 20, 2017), *aff'd*, No. 2017-001734, 2022 WL 167488 (S.C. Ct. App. Jan. 19, 2022), *reh'g denied* (Mar. 25, 2022).
Opinion previously supplied in response to Question 13c.

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5. *Richardson Constr. Co. Inc. v. Richland Cty.*, 2016-CP-40-07353 (Dec. 22, 2016). Copy supplied.

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6. *Hinkle Contracting Co., LLC v. Boggs*, 2016-CP-20-00012 (Feb. 22, 2016).
Copy supplied.

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7. *State v. McWilson*, 2012-GS-40-01889 (Nov. 2, 2012). Copy supplied.

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8. *State v. Grant*, 2012A4011000008 (Sept. 12, 2012). Copy supplied.

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9. *Lee v. Univ. of S.C.*, 2009-CP-40-00189 (Jun. 26, 2012), *rev'd*, 407 S.C. 512 (2014). Copy supplied.

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10. *Wright v. Waffle House*, 2009-CP-40-08328 (Dec. 27, 2011). Copy supplied.

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e. Provide a list of all cases in which certiorari was requested or granted.

After a review of legal databases and my records, I have not found any cases in which certiorari was requested.

f. Provide a brief summary of and citations for all of your opinions where your

decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

As a Circuit Court judge, I have presided over thousands of cases. Of these cases, 59 have been appealed, resulting in ten reversals. The City of Columbia Municipal Court is not a court of record and therefore I am unable to access appeals records for my cases there.

Palmetto Wildlife Extractors, LLC v. Ludy, 2017-CP-40-02822, *aff'd in part and rev'd in part*, 435 S.C. 690 (Ct. App. 2022). Copy supplied. This case involved an appeal arising from Palmetto Wildlife Extractors, LLC and Mr. Charping, minority member, (collectively, LLC) alleging tort and contract causes of action and Mr. Ludy counterclaiming and moving for an order compelling arbitration. I denied the motion to compel arbitration as to LLC's claims for civil conspiracy, defamation, and requesting the appointment of a receiver, an accounting, and judicial dissolution. I determined that the tort claims were not implicated by the arbitration agreement and that the request for an appointment of a receiver, an accounting, and judicial dissolution required a finding by a court pursuant to specific language in the arbitration agreement. The South Carolina Court of Appeals affirmed as to the request for an appointment of a receiver, an accounting, and judicial dissolution, and reversed as to civil conspiracy and defamation. The South Carolina Court of Appeals found the arbitration agreement provided that disputes as to whether a claim is subject to arbitration should be submitted to the arbitrator for a determination.

Opternative, Inc. v. S.C. Bd. of Med. Examiners, 2016-CP-40-06276, *rev'd*, 433 S.C. 405 (Ct. App. 2021). Opinion previously supplied in response to Question 13d. Opternative, Inc. (Opternative) challenged the constitutionality of S.C. Code Ann. §§ 40-24-10 and 40-24-20, known as the Eye Care Consumer Protection Law. I found Opternative lacked standing to challenge the statutes because the Act only prohibited Opternative's chosen business model, and granted summary judgment to the South Carolina Department of Labor, Licensing and Regulation, the South Carolina Board of Medical Examiners, and the South Carolina Optometric Physicians Association. On appeal, the South Carolina Court of Appeals reversed and remanded for further consideration, finding that Opternative had satisfied the elements of standing: injury in fact, causality, and redressability.

McPartland v. S.C. Dep't of Motor Vehicles, 2017-CP-40-02822, *rev'd*, No. 2018-001305, 2021 WL 2351112 (S.C. Ct. App. June 9, 2021). Appellant McPartland appealed my decision to not reinstate his South Carolina driver's license. I had denied reinstatement based on Mr. McPartland's failure to fully exhaust his suspension of license in the State of New York. McPartland appealed his license suspension to the NYS DMV Appeals Board and the Board affirmed the denial. I decided that any further appeal of an adverse decision should be

made to the New York Supreme Court. As Mr. McPartland did not appeal the Board's decision to a New York court, I found that McPartland failed to exhaust his administrative remedies. The South Carolina Court of Appeals disagreed and made a finding that Mr. McPartland's appeal to the Board was a final administrative determination of the Department.

State v. Herndon, 2014-GS-02-00664, *aff'd*, No. 2016-001109, 2018 WL 6528112 (S.C. Ct. App. Dec. 12, 2018), *rev'd and remanded*, 430 S.C. 367 (2020). Ms. Herndon, who was then a law enforcement officer, shot and killed her live-in boyfriend, Christopher Rowley, allegedly in self-defense. Ms. Herndon was tried for murder; the case against her was largely circumstantial. Ms. Herndon requested the *State v. Logan*, 405 S.C. 83 (2013), circumstantial evidence charge. I denied this request from the bench, opting instead for the pre-*Logan* circumstantial evidence charge contained within the desk book issued by the South Carolina Supreme Court and given to all judges. Ms. Herndon was convicted of voluntary manslaughter. On appeal, the State contended the erroneous failure to give the *Logan* charge was harmless, as the jury instructions as a whole were substantially correct. The South Carolina Court of Appeals accepted the State's argument and affirmed. It explained that the Supreme Court in *Logan* posited that there are different approaches used to analyze direct and circumstantial evidence and reasoned that "evaluation of circumstantial evidence requires jurors to find that the proponent of the evidence has connected collateral facts in order to prove the proposition propounded—a process not required when evaluating direct evidence." 405 S.C. at 97. The South Carolina Supreme Court found that trial courts should give the specific charge in *Logan* when requested. It found that because the case at trial was so largely based on circumstantial evidence, many inferences developed which demonstrated the need for the *Logan* charge. The Court determined that not charging the jury with the *Logan* charge was prejudicial to Ms. Herndon and therefore not harmless error. The Court reversed and remanded for a new trial. A review of the South Carolina Courts database appears to show that, on remand, Ms. Herndon pled guilty before another judge on March 31, 2021.

State v. Stukes, 2017-GS-40-05652, *aff'd*, No. 2015-UP-014, 2015 WL 164167 (S.C. Ct. App. Jan. 14, 2015), *rev'd*, 416 S.C. 493 (2016). Mr. Stukes appealed his conviction for criminal sexual conduct (CSC) and first-degree burglary, arguing the South Carolina Court of Appeals erred in affirming my jury instruction from the bench that, pursuant to S.C. Code Ann. § 16-3-657 (providing that the testimony of the victim need not be corroborated in prosecutions for CSC), the victim's testimony need not be corroborated by additional evidence or testimony. The South Carolina Supreme Court, which had in *State v. Rayfield*, 369 S.C. 106 (2006), upheld the use of that jury charge, overruled its precedent, concluding that the jury charge was confusing and violated the South Carolina Constitution. The Supreme Court made further note that when the jury questioned during deliberations as to whether they must accept the victim's testimony as true, I did not give them an answer in the affirmative or the negative and simply re-charged

the jury on credibility. The Supreme Court noted that re-charging credibility did nothing to inform the jury. However, the dissenting opinion stated that, “when the jury asked for clarification, the trial court instructed the jury that ‘you must determine the credibility of all witnesses who have testified in this case. . . . You may believe one witness over several witnesses, or several witnesses over one witness.’ Therefore, when viewed in their entirety, the charges properly instructed the jury that it was to subject the victim’s testimony to the same scrutiny as that of other witnesses. Thus, any error in giving the no-corroboration charge was cured by the full witness-credibility instructions.” The Supreme Court reversed and found that the error in charging this statute was not harmless. A review of the South Carolina Courts database appears to show that, on remand, Mr. Stukes pled guilty before another judge on August 31, 2017.

Lucero v. State, 2011-CP-18-00778, *rev’d*, 414 S.C. 238 (Ct. App. 2015). In 2002, Ms. Lucero pled guilty to possession of heroin and subsequently, in 2011, was ordered removed by an immigration court due to her conviction. Ms. Lucero filed for post-conviction relief on the basis that her plea counsel did not inform her that the conviction could make her eligible for deportation. I sat as the post-conviction relief court and granted Ms. Lucero post-conviction relief on the basis that *Padilla v. Kentucky*, 559 U.S. 356 (2010), holding that criminal defendants must be informed by counsel that their plea makes them eligible for removal, applied retroactively to her claim. The Court of Appeals found that South Carolina “is not required to follow the Supreme Court’s holding in *Chaidez*” and determined that *Padilla* did not apply retroactively to Ms. Lucero’s claim under state law. 414 S.C. at 253.

State v. Anderson, 2011-GS-40-02602, *rev’d*, 413 S.C. 212 (2015). Mr. Anderson was convicted of first degree criminal sexual conduct with a minor, his girlfriend’s daughter, and received a life sentence without the possibility of parole. On appeal, he challenged (1) the constitutionality, on Confrontation Clause grounds, of S.C. Code Ann. § 17-23-175, which permitted, under certain circumstances, the admission of a child’s videotaped forensic interview, and (2) my qualifying Mr. Smith, a witness, as an expert in both forensic interviewing and child abuse assessment. Further, the defendant alleged Mr. Smith’s testimony impermissibly bolstered that of the minor. The South Carolina Supreme Court found the statute constitutional, but agreed with the defendant that I erred in qualifying Mr. Smith as an expert, and in allowing bolstering testimony. The Supreme Court reversed Mr. Anderson’s conviction and sentence. The Court also placed limits on the acceptable scope of forensic interviewer’s testimony before a jury, to include the use of independent (blind expert) expert witnesses at trial. A review of the South Carolina Courts database appears to show that, on remand, Mr. Anderson pled guilty before another judge on July 27, 2016.

Sanders v. State, 2011-CP-18-00778, *rev’d and remanded*, 412 S.C. 611 (2015). In exchange for the State’s promise not to seek the death penalty on three charges of murder, Mr. Sanders consented to a bench trial and waived his right to any

appellate, post-conviction, or habeas corpus review. He was convicted of three counts of murder and sentenced to life imprisonment by another judge. Sitting as a post-conviction relief court, I dismissed Mr. Sanders subsequent application for post-conviction relief (PCR) based on the agreement. He then appealed, arguing that I had erred in dismissing his petition without an evidentiary hearing. Sanders readily conceded a waiver of PCR is permissible, but raised the narrower issue of whether a defendant can challenge the defense attorney's conduct in advising a defendant to enter into the waiver. The South Carolina Supreme Court concluded that although a defendant may waive his right to collateral review, he is nevertheless entitled to challenge whether the advice he received in agreeing to that waiver was constitutionally defective. The South Carolina Supreme Court held that I erred in not allowing Sanders to present evidence of ineffective assistance of counsel on the limited issue of his counsel's advice in connection with entering into the agreement. A review of the South Carolina Courts database appears to show that Mr. Sanders remains incarcerated.

Lee v. Univ. of S.C., 2009-CP-40-00189, *rev'd*, 407 S.C. 512 (2014). Opinion previously supplied pursuant to 13(d). This case involved an agreement between the University of South Carolina (University) and the University Gamecock Club (Gamecock Club), and Mr. Lee. In exchange for Lee purchasing a \$100,000 life insurance policy and naming the University the sole, irrevocable beneficiary of the policy, Mr. Lee was given an opportunity to purchase lifetime tickets to USC sports. Years later, the University instituted a program that required all Gamecock Club members, which included Mr. Lee, to pay a seat license fee as a prerequisite for purchasing season tickets. Believing that the University could not require him to pay additional consideration for the opportunity to purchase tickets without violating the agreement, Mr. Lee brought a declaratory judgment action. I entered judgment for the University and the Gamecock Club, finding that Mr. Lee was not deprived of the opportunity to purchase season tickets when the University instituted the seat license fees. The South Carolina Supreme Court concluded that the agreement unambiguously prohibits the University from requiring Mr. Lee to pay the seat license fee as a prerequisite for the opportunity to purchase tickets pursuant to the agreement. The Supreme Court reversed and remanded for entry of judgment for Mr. Lee.

James v. S.C. Dep't of Prob., Parole & Pardon Servs., 2005-CP-40-02795, *aff'd*, No. 2012-UP-503, 2012 WL 10862739 (S.C. Ct. App. Sept. 5, 2012), *rev'd*, No. 2013-000028, 2014 WL 2535550 (S.C. May 14, 2014). In 2003, the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) denied Mr. James's request for parole. The Administrative Law Court affirmed the denial. On June 13, 2005, Mr. James appealed the denial to the circuit court and simultaneously sought to have his appeal transferred to the South Carolina Court of Appeals. The SCDPPPS opposed the transfer, and the transfer was denied. In 2011, SCDPPPS moved to dismiss Mr. James's appeal pending in the circuit court, arguing the Court of Appeals, rather than the circuit court, had subject matter jurisdiction over the appeal. I dismissed the appeal, and the Court

of Appeals affirmed. Because Mr. James filed the appeal in the circuit court on June 13, 2005, prior to the effective date of 2006 Act No. 387 (providing a uniform procedure for contested cases and appeals from administrative agencies to appeal to the Administrative Law Court and subsequently to appeal to the Court of Appeals) the circuit court had jurisdiction to hear petitioner's appeal. The Court of Appeals decision affirming my order was reversed and remanded back to the circuit court. A review of the South Carolina Courts database appears to show that the circuit court then remanded Mr. James's case to SCDPPPS.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a South Carolina Circuit Court judge all of my written opinions are unpublished consistent with Circuit Court practice. These opinions are part of the case files that are publicly available in the South Carolina Circuit Court Clerk's offices.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Green v. Keel, 2018-CP-40-00254, *aff'd*, No. 2019-000088, 2021 WL 1023574 (S.C. Ct. App. Mar. 17, 2021). Copy supplied.

Opternative, Inc. v. S.C. Bd. of Med. Examiners, 2016-CP-40-06276, *rev'd and remanded*, 433 S.C. 405 (Ct. App. 2021). Opinion previously supplied in response to Question 13d.

State v. Grant, 2012A4011000008. Opinion previously supplied in response to Question 13d.

Richland Cty. Sheriff's Dep't v. Awde, 2010-CP-40-07546, *aff'd*, No. 2014-MO-024, 2014 WL 3016205 (S.C. July 2, 2014). Opinion previously supplied in response to Question 13c.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

- 14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The State of South Carolina does not employ an automatic recusal system. Instead, recusal is determined on a case-by-case basis, applying the Judicial Canons and the South Carolina Rules of Professional Conduct. Consistent with those principles, I recused myself in the following cases:

Morgan v. Hucks, 2021-CP-40-04630 (May 17, 2022). Ms. Morgan requested by letter to the Clerk of Court's office that I recuse myself from hearing a motion in this matter. She stated that I had presided over a previous case she was involved in and would like for me not to participate so as to avoid a "conflict of interest and impartiality." Ms. Morgan asked me to take the motion off of my motions roster and continue the case. I recused myself because I had heard a similar case involving the same parties. A visiting judge was able to hear the motion later that week.

State v. Witt, 2019A4010500171 (Mar. 28, 2022). The victim in this case is an attorney in South Carolina who frequently appears before me and many of the other Fifth Circuit judges. To avoid any appearance of impropriety, I recused myself sua sponte and recommended that a visiting judge hear the trial.

Rodgers v. Neuffer, 2014-CP-40-01846. The plaintiff in this case is a member of my church and her child (the subject of this medical malpractice case) was in Girl Scouts and youth choir with my daughters. To avoid any appearance of impropriety I recused myself sua sponte.

I further have a general recusal for the following entities. The scheduling clerk has a practice of screening cases that fall under this category and if a case is overlooked I recuse myself sua sponte:

PrismaHealth: I have recused myself from hearing matters involving PrismaHealth since January 2021 due to my husband having a financial contract with the organization.

City of Columbia: My husband, as mayor and a member of the City Council, had a direct hand in the civil litigation involving the city. Therefore, I recused myself from any matters involving the City of Columbia from the time my husband took office in July 2010 to six months after he left mayoral office in January 2022, and on a case-by-case basis after those six months.

Gist Law Firm: To avoid the appearance of impropriety, I have recused myself from hearing any matters from my former law firm and my father's current law firm.

Former Law Clerks: To avoid the appearance of impropriety, I generally do not hear cases where my former law clerks are counsel until a year after their last day of employment with me.

City of Columbia Municipal Court: For the first several years after joining the Circuit Court, I did not hear any appeals from the Municipal Court due to my prior service on that court.

Former clients: I have had former clients appear on my rosters. I recuse myself sua sponte from hearing their cases.

Dr. Marie Assa'ad Faltas: Dr. Faltas testified against me at my South Carolina Judicial Merit Selection Committee hearing on November 16, 2010, and I do not hear her cases to avoid the appearance of impropriety.

Recusal denials:

State v. Cromwell, 2012-GS-06-00342. This was a murder trial I was assigned to during a term of court in Barnwell, South Carolina in April 2014. I was asked by defense counsel to recuse myself because my brother had recently been murdered and defense counsel did not believe I could be fair and impartial. A motion was made and a hearing was held where insufficient evidence was presented as to why I should recuse myself. The facts of the crimes were not similar other than both being murder charges. After hearing arguments of the parties and consulting the judicial canons, I found that I could be fair and impartial and therefore that a recusal was not appropriate in this case.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2001, then-Governor Jim Hodges appointed me to the South Carolina Board of Juvenile Parole. I served on the Board until 2004, and as the Board's vice-chair from 2002 to 2003.

I had an unsuccessful bid for Family Court judge in February 2010 and an unsuccessful bid for the South Carolina Court of Appeals in February 2021.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 2002, I volunteered for Tameika Isaac-Devine's campaign for Columbia City Council and I volunteered with the campaign of my husband, Steve Benjamin, for South Carolina Attorney General.

I assisted with the first campaign of my husband for Mayor of Columbia, South Carolina in 2010. I participated as his spouse, held no title within the campaign, and assisted with coordination of volunteers.

Since my election to the bench in 2011, I have not participated in any campaigns.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1997 to 1998, I clerked for Judge L. Casey Manning of the Fifth Judicial Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1998 – 1999
Fifth Judicial Circuit Solicitor's Office
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Assistant Solicitor, Juvenile/Family Court Division

1999 – 2001
Office of the Attorney General of South Carolina
Rembert C. Dennis Building
1000 Assembly Street, Room 519
Columbia, South Carolina 29201
Assistant Attorney General

2001 – 2004
South Carolina Board of Juvenile Parole
100 Executive Drive
Columbia, South Carolina 29210
Vice-Chair (2002 – 2003)
Member (2001 – 2004)

2001 – 2011
Gist Law Firm
4400 North Main Street
Columbia, South Carolina 29203
Partner (non-equity)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

In 1998, after a one-year judicial clerkship, I began my career as a prosecutor for the Richland County Solicitor's Office where I handled all types of cases involving juvenile offenders. I also served as the liaison to the Richland County Juvenile Drug Court. In 1999, I was offered a position with the South Carolina Attorney General's Office to serve as the State Violence Against Women (VAWA) Prosecutor. In that role I prosecuted cases statewide where violence was perpetrated against women and children. In 2001, I was appointed by Governor Jim Hodges to serve on the South Carolina Board of Juvenile Parole. In that role I made decisions regarding the release of incarcerated juveniles. If an individual was released, I, along with the Board, made decisions regarding community placement services. I served on the Board until being appointed to serve as municipal judge for the City of Columbia in 2004. As a municipal judge, I handled misdemeanor jury and non-jury criminal matters.

I worked at the Gist Law Firm from 2001 to 2011. The firm is a small general practice firm with a focus on employment law, representing employees with grievances against their employers. I appeared as counsel in United States district courts and the United States Court of Appeals for the Fourth Circuit. During my tenure at the Gist Law Firm, I also handled employment matters before administrative agencies, including but not limited to the United States Equal Employment Opportunity Commission, the South Carolina Human Affairs Commission, the South Carolina Employment Security Commission, the South Carolina Workers Compensation Commission, and the South Carolina Office of Human Resources. I also handled all of the family law cases in our office. My practice also included a small percentage of personal injury work.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a prosecutor, I represented the State of South Carolina. At the Gist Law Firm, my clients were individuals, usually plaintiffs in employment suits.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As an assistant solicitor with the Fifth Circuit, I appeared in court weekly. As an assistant attorney general, I was in court approximately three times per month and regularly trained law enforcement in investigation and prosecution. During my time in private practice, I was in court approximately once a month, with the majority of my time spent taking depositions, briefing arguments, and drafting memoranda.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 50%
- 2. state courts of record: 40%
- 3. other courts: 0%
- 4. administrative agencies: 10%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 75%
- 2. criminal proceedings: 25%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately 21 cases to verdict, in which I was lead counsel on approximately 10. I practiced before the South Carolina Family Courts, Municipal Courts, and Circuit Courts, and the United States District Court for the District of South Carolina.

- i. What percentage of these trials were:
 - 1. jury: 40%
 - 2. non-jury: 60%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1. *Mack v. Am. Spiral Weld Pipe Co.*, No. 2012-UP-627, 2012 WL 10864179 (S.C. Ct. App. Nov. 28, 2012) (Short, Konduros, and Lockemy, JJ.)

This was an appeal in a workers' compensation case regarding a change in Mr. Mack's medical condition and coverage. The South Carolina Court of Appeals affirmed the decision below extending coverage to Mr. Mack for a change/worsening in his medical condition.

From 2006 to 2007, I was lead counsel for Mr. Mack before the commissioner at his initial workers' compensation hearing. I handled his initial pleadings, depositions, and all aspects of his workers' compensation claim. From 2007 to my election to the Circuit Court in 2011, I served as co-counsel for the appeals in this case.

Co-counsel

Tiffany R. Spann-Wilder
Spann Wilder Law, LLC
2131 Dorchester Road
North Charleston, SC 29405
(843) 266-7792

Opposing Counsel

Kay Gaffney Crowe
Barnes Alford Stork & Johnson, LLP
1613 Main Street
Columbia, SC 29201
(803) 799-1111

2. *Mackey v. City of Charleston Police Dep't & Dep't of Human Res.*, 2007-CP-10-04528 (Charleston Cty. 9th Jud. Cir. 2007) (Harrington, J.)

This was an employment matter involving the termination of Mr. Mackey, my client, from the City of Charleston Police Department and his subsequent decertification by the Department of Public Safety. Mr. Mackey alleged that he was improperly terminated for violating the professional responsibility policy – he was accused of having counterfeit paraphernalia (knock off jerseys) in his possession – and that his due process rights were violated when he was denied a decertification hearing by the South Carolina Department of Public Safety, resulting in his certification as a law enforcement officer being revoked. The jury returned a verdict for Mr. Mackey against the South Carolina Department of Public Safety as to the certification claim and a verdict in favor of Defendant City of Charleston as to all other claims. The case was not appealed.

From 2005 to 2009, I was co-counsel in this case. I participated in the drafting of motions and memorandum of law, discovery, and was the second chair at trial.

Co-counsel

Donald Gist
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4400 North Main Street
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(803) 771-8007

Opposing Counsel

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Charleston, SC 29401
(843) 577-9626

Sandra J. Senn
Senn Legal, LLC
3 Wesley Drive
Charleston, SC 29407
(843) 556-4045

3. *Paul v. Graham Packaging Co. LP*, 2:06-cv-03112 (D.S.C. 2006) (Norton, J.)

This was an employment discrimination case where Mr. Paul, my client, claimed that Graham Packaging discriminated against him based on his race. In an initial complaint with the United States Equal Employment Opportunity Commission (EEOC), Mr. Paul alleged that employees were using the N-word in the workplace. The parties settled the initial complaint. Shortly after the settlement of the EEOC claim, Mr. Paul alleged that Graham Packaging breached the settlement agreement and retaliated against him.

From 2006 to 2007, I served as co-counsel in this case. I drafted motions and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

Donald Gist
Gist Law Firm
4400 North Main Street
Columbia, SC 29203
(803) 771-8007

Opposing Counsel

David McCormack
Womble Bond Dickinson LLP
5 Exchange Street
Charleston, SC 29401
(843) 720-4612

4. *Crawford v. Specialty Hosp. of S.C.*, 2:06-cv-00148 (D.S.C. 2006) (Duffy, J.)

This was a race discrimination, hostile work environment, and retaliation case. Ms. Crawford, my client, alleged that she suffered retaliation upon filing a complaint with the South Carolina Human Affairs Commission. My client and other African American nurse assistants alleged that racial slurs were often used in the workplace, and my client alleged she was subject to disparate treatment by her supervisors following a change in the hospital's administration. Following her complaint to the South Carolina Human Affairs Commission, my client began to be denied medical and personal leave and received low and negative ratings on her annual employee evaluations (in previous evaluations, she had received average to high ratings and was recommended for pay increases). After

discovery and mediation, the case settled.

From 2005 to 2006, I served as lead counsel in this case. I drafted motions and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

Donald Gist
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4400 North Main Street
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(803) 771-8007

Opposing Counsel

Franklin Lamont Greene
Zwicker & Associates, P.C.
8210 University Executive Park Drive
Charlotte, NC 29208
(704) 549-8276

5. *Cummings-Lecque v. Voorhees College*, 5:07-cv-04165 (D.S.C. 2007) (Seymour, J.)

This was a sexual harassment, sex discrimination, and retaliation case. Ms. Cummings-Lecque, my client, was fired from her position with the college after making numerous complaints of sexual harassment against her immediate supervisor. This case was settled prior to trial.

From 2005 to 2010, I served as co-counsel in this case, beginning with the filing of a complaint with the South Carolina Human Affairs Commission and the United States Equal Employment Opportunity Commission. I drafted motions and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

Donald Gist
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4400 North Main Street
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(803) 771-8007

Opposing Counsel

Evans Barnette (*deceased*)

6. *Bates et al. v. Norfolk S. Corp. et al.*, 1:05-cv-01811 (D.S.C. 2006) (Seymour, J.)

This was a personal injury case related to the Graniteville train derailment, where a misaligned railroad switch caused an accident resulting in nine deaths and 250 injuries. My office represented several of the injured plaintiffs and was able to settle with the Norfolk Southern Corporation prior to trial.

From 2005 to 2008, I served as co-counsel in this case. I drafted motions and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

Donald Gist
Gist Law Firm
4400 North Main Street
Columbia, SC 29203
(803) 771-8007

Opposing Counsel

W. Howard Boyd (*deceased*)

7. *Primus v. Bellsouth Advertising*, 3:05-cv-00105 (D.S.C. 2005) (Whitney, J.)

This was a breach of contract case in which Bellsouth Advertising improperly listed Mr. Primus' work contact information in the yellow pages for a personal business resulting in his termination from his place of employment. The case was settled before trial.

From 2005 to 2006, I served as co-counsel in this case. I drafted motions and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

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Columbia, SC 29203
(803) 771-8007

James Smith
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Opposing Counsel

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301 South College Street, 23rd Floor
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8. *Weston v. Margaret J. Weston Med. Ctr.*, 2004-CP-0200289 (Aiken Cty. 2nd Jud. Cir. 2004) (Early, J.), *aff'd*, No. 2008-UP-240, 2008 WL 9841501 (S.C. Ct. App. Apr. 18, 2008)

This was a contract dispute between my client and his former employer. The jury returned a verdict in my client's favor. The case was appealed to the South Carolina Court of Appeals and the South Carolina Supreme Court, which both upheld the jury's verdict.

From 2004 to 2008, I was co-counsel in this case. I participated in the drafting of motions and memorandum of law, discovery, depositions, and was second chair at trial. I did not represent Dr. Weston on appeal.

Co-counsel

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9. *McKinney v. Richland Cty. Sheriff's Dep't*, 431 F.3d 415 (4th Cir. 2005) (Luttig, Williams, and Michael, JJ.)

This was an appeal in a civil action from the District Court for the District of South Carolina. My client was successful at the district court level and Defendant appealed the case to the United States Court of Appeals for the Fourth Circuit. The issue in the case was whether probable cause had been established for the arrest of a school safety administrator.

From 2003 to 2005, I served as co-counsel in this case, both before the District Court and Court of Appeals for the Fourth Circuit. I drafted appellate briefs and memoranda of law, and participated in discovery and witness depositions.

Co-counsel

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Columbia, SC 29201
(803) 999-1225

Andrew F. Lindemann
Lindemann & Davis, P.A.
5 Calendar Court, Suite 202
Columbia, SC 29206
(803) 881-8920

10. *State v. Tucker*, 1999-CP-02-01272 (Aiken Cty. 2nd Jud. Cir. 1999) (Cooper, J.),
aff'd, *In re Care & Treatment of Tucker*, 353 S.C. 466 (2003)

I tried this case in Aiken County not long after South Carolina's Sexually Violent Predator Law was enacted. This case was one of the first that was tried and won under that law. The case was appealed to the South Carolina Supreme Court and affirmed.

From 1999 to 2000, I was lead counsel in this case for the Attorney General's Office. I handled all aspects of the case to trial, including probable cause hearings, motions hearings, and the trial itself. I did not participate in this case on appeal.

Opposing Counsel

Paul Andrew Anderson
Anderson & Anderson, LLP
211 York Street, Northeast, Suite 2
Aiken, SC 29801
(803) 648-6000

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

From the beginning of my legal career, I have served in various capacities with civic and professional organizations. As part of my membership in civic and volunteer organizations, including Jack & Jill of America, Inc. and The Links, Incorporated, I worked on by-laws and reviewed governance documents. Additionally, I have served in many capacities within the American Bar Association and the South Carolina Bar, including on the South Carolina Bar Board of Governors.

During my tenure as a Circuit Court judge, I have been appointed to serve as an acting

justice on the South Carolina Supreme Court on several occasions: September 20, 2011, March 3, 2015, May 21, 2017, and November 10, 2021. Additionally, at the onset of the COVID-19 pandemic, I was the Fifth Circuit Chief Administrative Judge for General Sessions (criminal court) and implemented various protocols to respond to the pandemic, to include the use of virtual technology.

I have not performed any lobbying activities on behalf of any client or organization, nor have I registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I would recuse myself from hearing matters involving PrismaHealth from January 2021 to the present due to my husband having a financial contract with the organization.

My husband, as mayor and a member of the City Council for the City of Columbia, South Carolina, had a direct hand in the civil litigation involving the city. I would recuse myself from any matter involving the City of Columbia from the time my husband took office in July 2010 to six months after he left mayoral office in January 2022, and on a case-by-case basis after those six months.

To avoid the appearance of impropriety, I would recuse myself from hearing any matters from my former law firm and my father's current law firm.

To avoid the appearance of impropriety, I generally do not hear cases where my former law clerks are counsel until a year after their last day of employment with me.

To avoid the appearance of impropriety, I would recuse myself from hearing cases involving Dr. Marie Assa'ad Faltas.

I would recuse myself from cases involving former clients.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will abide by the Code of Conduct for United States Judges, and apply the rules and standards in 28 U.S.C. § 455, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and any relevant judicial decisions and opinions. I also would consult, as appropriate, with other judges, the Fourth Circuit Clerk's Office, and the Office of the Circuit Executive for the Fourth Circuit.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Throughout my legal career, I have been committed to serving the underprivileged, underrepresented, and socially or economically disadvantaged. Following law school I

immediately became active in the Young Lawyers Division of the South Carolina Bar, which serves as the Bar's community service division. I served on a number of committees and was elected Chair of the Division in 2006.

As a member of the South Carolina Black Lawyers Association and the Columbia Lawyers Association, I frequently participated in "Wills Clinics" for seniors and other community service activities.

In my position as a Circuit Court Judge, I am unable to provide pro bono legal services, but I stay engaged with my community in other ways. I frequently speak at local school Constitution Days, Career Fairs, and other law-related events. I participate in the South Carolina Bar's Mock Trial and "We the People" competitions, and I often speak to classes at the University of South Carolina School of Law.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 25, 2022, I was contacted by Representative Jim Clyburn's office and was asked to forward my resume and documentation regarding my judicial experience. On June 23, 2022, I was contacted by an attorney from the White House Counsel's Office regarding my being recommended for a seat on the Court of Appeals for the Fourth Circuit. Since that date, I have been in contact with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On August 9, 2022, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.