

January 15, 2014

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I previously filed in connection with my nomination on June 26, 2013, to be a United States District Court Judge for the District of South Carolina. Incorporating the additional information listed below, I certify that the information contained in that document is and remains, to the best of my knowledge, true and accurate.

Q. 12(c)

I testified at a public hearing before the Judicial Merit Selection Commission in connection with my application for re-election to my current position as a South Carolina Circuit Court Judge on November 5, 2013. I have no notes, transcript, or recording, but a copy of the questionnaire and sworn statement, as well as press coverage is supplied.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely yours,



Alison Renee Lee

Cc: The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Alison Renee Lee
Alison Lee Summey

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

United States District Judge for the District of South Carolina

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 Courthouse
1701 Main Street, Suite 324
Columbia, South Carolina 29202

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

1958; Washington, DC

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.

Summer 1984, University of South Carolina School of Law; no degree

1979 – 1982, Tulane Law School; J.D., 1982

1975 – 1979, Vassar College; B.A., 1979

Summer 1976, Georgetown University; no degree

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.

1999 – present
Richland County Courthouse
1701 Main Street, Suite 324
Columbia, South Carolina 29202
Circuit Court Judge

1994 – 1999
Administrative Law Court (formerly Administrative Law Judge Division)
Edgar Brown Building
1224 Pendleton Street, Suite 224
Columbia, South Carolina 29201
Administrative Law Judge

1989 – 1994
South Carolina Legislative Council
P.O. Box 11489
Columbia, South Carolina 29211
Staff Counsel

1984 – 1989
McNair Law Firm
P.O. Box 11390
Columbia, South Carolina 29211
Associate

1983 – 1984
Honorable C. Tolbert Goolsby, Jr. (retired)
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
Judicial Law Clerk

1982 – 1983
Honorable Israel M. Augustine, Jr. (deceased)
State of Louisiana Court of Appeal, Fourth Circuit
410 Royal Street
New Orleans, Louisiana 70130
Judicial Law Clerk

Summer 1982
Marshall Fields Department Store
Galleria Mall
5075 Westheimer Road
Houston, Texas 77056
Sales Associate

Summer 1981

United States Attorney's Office for the Eastern District of Louisiana
Criminal Division – Organized Crime Unit
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
Law Clerk

June 1981

Tulane Law School
6329 Freret Street
New Orleans, Louisiana 70118
Research Assistant to Professor David Gelfand

Other Affiliations (uncompensated):

2010 – present

Columbia City Ballet
1545 Main Street
Columbia, South Carolina 29201
Board of Directors

2010 – present

South Carolina Women Lawyers Association
P.O. Box 11910
Columbia, South Carolina 29211
Board of Directors

1998 – 2001, 2011 – present

St. Peter's Catholic Church
1529 Assembly Street
Columbia, South Carolina 29201
Finance Committee (2011 – present)
Pastoral Council (1998 – 2001)

1993 – 1996

St. Peter's Catholic School Board
1529 Assembly Street
Columbia, South Carolina 29201
By-Laws Committee Chair (1993 – 1994)
President (1995 – 1996)

1990 – 1998, 2012 – 2013

The Links, Incorporated
Columbia, South Carolina Chapter
P.O. Box 11193
Columbia, South Carolina 29211

President (1994 – 1998, 2013)
Vice President (1993 – 1994, 2012)
Secretary (1990 – 1993)

1995 – 1997, 2001 – 2007
Jack and Jill of America, Inc.
Columbia, South Carolina Chapter
(No physical address)
Parliamentarian (1995 – 1997, 2001 – 2007)

1984 – 1988
Richland County Department of Social Services
3220 Two Notch Road
Columbia, South Carolina 29206
Board of Directors

1985
Victory Savings Bank (now defunct)
Advisory Board

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 have not served in the military. I was not required to register for 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.

Leadership South Carolina, Class of 1999

National Association of Bench and Bar Spouses, South Carolina Chapter (1999)

Tulane Moot Court Board (1981)

Tulane National Appellate Moot Court Team (1981)

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 (1985 – 1990, 2006 – present)
National Conference of State Trial Judges (2006 – present)
Delegate (2007 – 2009)

Richland County Bar Association (1999 – present)

South Carolina Bar Association (1984 – present)

Young Lawyers Division Representative to the Committee on Continuing Legal Education (1987 – 1988)

South Carolina Black Lawyers Association (1994 – present)

Supreme Court Commission on Continuing Legal Education and Specialization (2010 – present)

South Carolina Commission on Grievances and Discipline (1987 – 1989)
Associate Commissioner

South Carolina Women Lawyers Association (2000 – present)
Board of Directors (2009 – 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.

Texas, 1982 (inactive)
Louisiana, 1983 (inactive)
South Carolina, 1984

There have been no lapses in membership. I became inactive in Texas and Louisiana in 1990 because I was no longer actively practicing law in those states.

- 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.

Supreme Court of Texas (1982)
Supreme Court of Louisiana (1983)
South Carolina Courts (1984)
United States District Court for the District of South Carolina (1984)
United States Court of Appeals for the Fourth Circuit (1985)

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.

Columbia City Ballet, Board of Directors (2009 – present)

Jack and Jill of America, Inc. (1992 – 2009)

Parliamentarian, Columbia Chapter (1995 – 1997, 2001 – 2007)

Leadership South Carolina (Class of 1999)

Richland County Department of Social Services (1984 – 1988)

Board of Directors

St. Peter's Catholic Church (1985 – present)

Finance Committee (2011 – present)

Pastoral Council (1998 – 2001)

St. Peter's Catholic School Board (1993 – 1997)

Chairperson (1995 – 1996)

Chair of the By Laws Committee (1993 – 1994)

The Links, Inc., Columbia Chapter (1987 – present)

President (1994 – 1998, 2013)

Vice President (1993 – 1994, 2012)

Secretary (1990 – 1993)

The Moles, Inc. (2011 – present)

United States Fourth Circuit Judicial Conference (1985 – present)

United Way of the Midlands, Planning Committee (1985 – 1990)

Agency Review Subcommittee (1985 – 1990)

Chair

Advisory Committee, Project Blueprint (1985 – 1990)

Demonstration and Development Funding and Admissions Subcommittee
(1985 – 1990)

Victory Savings Bank (1985)

Advisory Board

- 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.

To my knowledge, none of the organizations listed above currently discriminates 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.

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.

Alison Lee and Susan Perry, *Studying While Touring*, Miscellany News, March 31, 1978. 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.

South Carolina Women Lawyers Association, Task Force on Judicial Selection, 1996, prepared section "Campaign Tips" for Judicial Candidate Handbook. 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.

I testified at public hearings before the South Carolina Judicial Merit Selection Commission associated with running for judicial office on the following dates:

November 2, 2009, candidate South Carolina Court of Appeals, Seat 5.
Copy supplied.

April 15, 2008, candidate South Carolina Court of Appeals, Seat 3.
Copy supplied.

December 4, 2007, re-election, South Carolina Circuit Court Judge.
Copy supplied.

April 28, 2004, candidate South Carolina Court of Appeals, Seat 1.
Copy supplied.

April 22, 2003, candidate South Carolina Court of Appeals, Seat 3.
Copy supplied.

December 2, 2002, candidate South Carolina Court of Appeals, Seat 6.
Copy supplied.

December 4, 2001, re-election, South Carolina Circuit Court Judge.
Copy supplied.

December 1998, candidate South Carolina Circuit Court Judge. Copy
unavailable.

March 12, 1997, candidate South Carolina Circuit Court Judge. Copy
unavailable.

February 8, 1995, re-election, South Carolina Administrative Law Judge.
Copy supplied.

January 1994, candidate South Carolina Administrative Law Judge. Copy
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.

The following represents my best efforts, through searches of my own records and publically available databases, to identify speeches that I have delivered and panel discussions in which I participated. I have participated in breakfast meetings or “brown bag” lunches where I shared my experiences in an effort to mentor students, law students and young lawyers. The dates of these meetings were not recorded. I have also spoken at churches, schools, colleges and career days on a few occasions. I have listed the specific events that I was able to locate or recall.

January 17, 2013: Panelist, Empowering the Next Generation, MLK Legal Forum

Black Law Students Association of the University of South Carolina, Columbia, SC. I have no notes, transcript or recording. The address for the University of South Carolina Law School is 701 Main Street, Columbia, SC 29201.

November 8, 2011: Panelist, South Carolina State University Memorial Program for Judge Matthew J. Perry, Jr., Orangeburg, SC. I have no notes, transcript or recording, but press coverage is supplied. The address of South Carolina State University is 300 College Street NE, Orangeburg, SC 29115.

August 2009: Remarks, Courthouse Keys Program, an informal breakfast with members of the Young Lawyers Division of the South Carolina Bar discussing practical tips for balancing work and life. Columbia, SC. I have no notes, transcripts or recording, but press coverage is supplied. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

July 1, 2009: Remarks, Presentation of the Order of the Palmetto to Judge C. Tolbert Goolsby, Jr. at special term of South Carolina Court of Appeals. I have no notes, transcript or recording. The address of the S.C. Court of Appeals is 1015 Sumter Street, Columbia, SC 29201.

December 8, 2006: Speaker, Ethics – Circuit Court, Municipal Association of South Carolina, Columbia, SC. I have no notes, transcript or recording. The address for the Municipal Association of South Carolina is 1411 Gervais Street, Columbia, SC 29201.

September 2006: Panelist, Tips from the Bench, South Carolina Black Lawyers Summit & Retreat, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Black Lawyers is 736-D St. Andrews Road, Columbia, SC 29210.

October 2005: Panelist, Enhancing Persuasion in Trial: Civil and Criminal Advocacy in South Carolina, South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

October 2004: Panelist, South Carolina Judiciary on Civility & Ethics, South Carolina Black Lawyers Summit & Retreat, Santee, SC. I have no notes, transcript or recording. The address of the South Carolina Black Lawyers Association is 736-D St. Andrews Road, Columbia, SC 29210.

April 11, 2003: Speaker, Effective Use of Trial Exhibits, Women Lawyers in the New Millennium, Columbia, SC. I have no notes, transcript or recording. The address of the Women Lawyers Association is P.O. Box 11910, Columbia, SC 29211.

December 13, 2002: Speaker, Lawyer Conduct/Ethics (Civil Cases), South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

August 25, 2000: Speaker, Agent Basic Graduation Badging Ceremony, South Carolina Department of Probation, Parole and Pardon Services, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Department of Probation, Parole and Pardon Services is 2221 Devine Street, Columbia, SC 29205.

February 25, 2000: Speaker, Civil Court Nonjury – Motions/Appeals, South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

May 29, 1998: Panelist, Women as Advocates: What Works and What Doesn't, South Carolina Women Lawyers, Columbia, SC. I have no notes, transcript or recording. The address of the Women Lawyers Association is P.O. Box 11910, Columbia, SC 29211.

March 20, 1998: Speaker, Rules of the Administrative Law Judge Division. Rules, Rules, Rules: South Carolina Practice & Procedure Update, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

March 27, 1997: Speaker, Administrative Law Class, University of South Carolina Law School, Columbia, SC. I have no notes, transcript or recording. The address for the University of South Carolina Law School is 701 Main Street, Columbia, SC 29201.

January 3, 1997: Speaker, 1996 Update for the Administrative Law Judge Division, South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

September 20, 1996: Speaker, Administrative Law Judge Division, Hilton Head Island Bar Association luncheon. Hilton Head, SC. Notes provided.

July 31, 1996: Speaker, Administrative Law Court Hearings on Proposed Regulations, National Association of Secretaries of State (NASS) and Administrative Code and Registers Conference, Charleston, SC. Notes provided.

January 18, 1996: Speaker, Legal Careers, Columbia High School Career Festival. Columbia, SC. I have no notes, transcript or recording. The address of Columbia High School is 1701 Westchester Dr., Columbia, SC 29210.

May 1996, March 1997, May 1997, March 1998, May 1998: Speaker, Practice Tips for the Administrative Law Judge Division, Bridge the Gap Program, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

1995: Speaker, Administrative Law Court, Benjamin E. Mays Leadership Academy, Professor Johnnie McFadden, Director, University of South Carolina. Columbia, SC. I have no notes, transcript or recording. The address for Dr. McFadden is University of South Carolina, Byrnes Building, Suite 614, Columbia, SC 29208.

1995: Speaker, Women's Day Observance, Round Top Baptist Church. Columbia, SC. I have no notes, transcript or recording. The address of Round Top Baptist Church is 120 Round Top Church Ct., Blythewood, SC 29016.

July 25, 1994: Panelist, Many Faces of Leadership, Columbia College Leadership '94 Conference, Columbia, SC. I have no notes, transcript or recording. The address of Columbia College is 1301 Columbia College Dr., Columbia, SC 29203.

June 9, 1994, May 25, 1995: Speaker, The new Administrative Law Judge Division, McNair Law Firm, lunch with the summer associates, Columbia, SC. I have no notes, transcript or recording. The address of the McNair Law Firm is P.O. Box 11390, Columbia, SC 29211.

November 1993: Speaker, Drafting Criminal Laws under the Sentencing Classification Act, SC. Legislative Council, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Legislative Council is P.O. Box 11489, Columbia, SC 29211.

December 13, 1986: Speaker, Topic: "People Involvement ... The Motivating Force Behind the Student Council," South Carolina Association of Student Councils Leadership Rally, Columbia, SC. Notes provided.

September 13, 1985: Speaker, Pretrial Orders, Sanctions & Local Rules, South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

August 23, 1985: Speaker, Settling the Family Court Record on Appeal, JCLE - Basic Elements of Proof in the Family Court, South Carolina Bar, Columbia, SC. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, SC 29201.

- 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.

The following represents my best efforts, through searches of my own records and publically available databases, to identify interviews that I have given. I have also contacted the stations and provided copies where available.

Carolyn Click and Dawn Hinshaw, *Services for SC Civil Rights Icon Matthew Perry Today*, THE ROCK HILL HERALD, August 4, 2011. Copy supplied.

RichBarNews Newsletter interview, regarding suggestions for practice in the Court of Common Pleas in Richland County, Mar. – Apr. 2011. Copy supplied.

Mike Easterling and Stacy Pettit, *Miss Not So Perfect USA*, URBAN TULSA WEEKLY, August 11, 2010. Copy supplied.

July 9, 2008: Interviewed for Carolina People. Judging the Miss South Carolina Pageant, Spartanburg, SC. Video available at:
<http://www.youtube.com/watch?v=rtmkwEBemFg> (Part I);
<http://www.youtube.com/watch?v=i19PWQW82qI> (Part II).

Rick Brundrett, *SC Yields on DUIs: Repeat Offenders Often Get Lightened Sentences*, MYRTLE BEACH SUN NEWS, October 29, 2006. Copy supplied.

Lisa Michals, *Hundreds Attend Judge's Funeral*, THE STATE NEWSPAPER, September 19, 2005. Copy supplied.

Rick Brundrett, *Black Judicial Candidates Find Opportunities Lacking: An Analysis Finds Two-thirds of Black Candidates in Contested Races Are Not Nominated by S.C.'s Screening Commission*, THE STATE NEWSPAPER, May 24, 2004. Copy supplied.

Dawn Hinshaw, *Just a Good Man to the Core*, THE STATE NEWSPAPER, April 18, 2004. Copy supplied.

Rick Brundrett, *Toal: Secret Deals Often Break Rules*, THE STATE NEWSPAPER, August 23, 2002. Copy supplied.

WACH TV interview regarding serving as the first Black female circuit court judge, April 1999. Video supplied.

Rick Brundrett, *Judge Ready to Make History: S.C.'s First Black Female Circuit Judge Starts Job March 8*, THE STATE NEWSPAPER, February 21, 1999. Copy supplied.

Cindi Ross Scoppe, *Judicial Candidates Sail Through Screening*, THE STATE NEWSPAPER, March 20, 1997. Copy supplied.

Cindi Ross Scoppe, *Female Judge Ends Court Bid*, THE STATE NEWSPAPER, April 4, 1997. Copy supplied.

Calvin Reese, *Positive Images and Community Role Models*, CAROLINA TRIBUNE, April 2 – April 8, 1997. Copy supplied.

Robert Tanner, *Empty Hands: New Law Judges Hamstrung by Lack of Funds*, THE STATE NEWSPAPER, March 11, 1994. Copy supplied.

WIS TV interview related to my service with the Richland County Department of Social Services sometime in 1984 through 1988. I have been unable to obtain a transcript or recording of the interview.

South Carolina Bar interview, regarding women lawyers, date unknown. I have been unable to obtain a transcript or recording of the interview.

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.

In February 1994, I was elected by the General Assembly as an Administrative Law Judge. I was reelected by the General Assembly in February 1995. I was empowered to preside over contested case hearings involving various state agencies including insurance, environmental licensing and permits, alcoholic beverages permits, wages, taxes, bingo, video poker (now unlawful), licensing and rate-making. I also presided over appeals in matters involving occupational licensing and foster care licensing, and I conducted hearings to decide the reasonableness of regulations promulgated by certain state agencies.

On February 10, 1999, I was elected by the General Assembly to the South Carolina Circuit Court. I was reelected by the General Assembly in February 2002 and February 2007. The circuit court is the trial court of general jurisdiction in criminal and civil matters. I also preside over appeals from municipal and magistrate cases, as well as zoning cases. Until 2007, the circuit court also had appellate jurisdiction over workers compensation, public service commission, employment security, and administrative law court cases.

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

During my 14 years as a trial court judge, I have presided over approximately 450 cases that have gone to verdict or judgment including summary judgment.

i. Of these, approximately what percent were:

jury trials:	90%
bench trials:	10%
civil proceedings:	80%
criminal proceedings:	20%

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

As a trial court judge, many of my decisions have been rendered orally from the bench. Moreover, even the written opinions are unpublished. I do not maintain copies of those files, which are, instead, kept by the Clerk of the Court in the county where the action was filed. I have provided the citations to those opinions that are available on Westlaw.

In addition to the opinions I have listed from my tenure as a state court judge, I have also issued approximately 500 orders and opinions as an administrative law judge, which are available at www.scalc.net.

Satterfield v. G&I VI St. Andrews Commons, 2012 WL 3142934 (2012); 2012 WL 3142914 (2012)

Spears v. Gillion, 2011 WL 7546411 (2011)

Jones v. Whitt, 2011 WL 7546412 (2011)

Cox v. County, 2011 WL 9200748 (2011)

Branch v. Mielke, 2011 WL 8192001 (2011)

Clary v. Borrell, 2010 WL 9442267 (2010)

Boland v. Unihealth Post Acute Care, 2010 WL 4806342 (2010)

Columbia/CSA-HS Greater Columbia Healthcare System, LP v. The South Carolina Medical Malpractice Liability Joint Underwriting Ass'n, 2009 WL 8727106 (2009)

McMillian v. Palmetto Health, 2007 WL 7728191 (2007)

In re Carter, 2007 WL 7728186 (2007)

Bethea v. Allen et al., 2007 WL 2074841 (2007)

Jones v. Magnolia Manor - Columbia, Inc., 2007 WL 7728182 (2007)

Green v. Pelletier, 2006 WL 6922029 (2006)

Pearce v. Moore Orthopaedic Clinic, Inc., P.A. et al., 2006 WL 4667364 (2006)

Springer v. The Pepsi Bottling Group, Inc. et al., 2006 WL 4667363 (2006)

McKee v. Haynes, 2006 WL 4667182 (2006)

Forrest v. Columbia Farms, Inc. et al., 2006 WL 4667198 (2006)

Graham v. Chrysler Financial Company, LLC. et al., 2006 WL 4723759 (2006)

Bateman et al. v. Hawkins, 2006 WL 6394431 (2006)

Maverick Momentum, L.L.C. v. M.S.S. Supply Corporation et al., 2006 WL 3192273 (2006); 2004 WL 5024871 (2004)

McCoy v. Palmetto Health Alliance, Inc. et al., 2006 WL 4723760 (2006)

Collins Holding Corp. v. Defibaugh, 2006 WL 5430714, rev'd 373 S.C. 446, 646 S.E.2d 147 (S.C. Ct. App. 2007)

Jones v. Lott et al., 2006 WL 3476669 (2006)

Mahan v. The University of South Carolina, 2006 WL 4808252 (2006)

Jacobs v. Duncan, 2006 WL 4808278 (2006)

Wright, II v. Craft, 2005 WL 6136277 (2005)

Lamar Florida, Inc. v. Li'l Cricket, LLC, 2005 WL 4841656 (2005)

Moore v. It's Fashions, Inc., 2005 WL 5798587 (2005)

McCullar v. Campbell, 2005 WL 5798589 (2005); 2005 WL 5798590 (2005)

Washington International Insurance v. Payne Adams Construction, Inc., et al., 2005 WL 5712369 (2005)

RWE NUKEM Corp v. ENSR Corp., 2005 WL 5748828 (2005); 2005 WL 6367921 (2005), rev'd and remanded 373 S.C. 190, 644 S.E.2d 730 (2007)

Khader v. Meadows et al., 2005 WL 5621381 (2005), 2005 WL 5621383 (2005)

Sashikant v. Betcher, 2005 WL 5798579 (2005)

Tomlinson v. Mixon et al., 2004 WL 5575028 (2004), rev'd 367 S.C. 467, 626 S.E.2d 43 (Ct. App. 2006), vacated 373 S.C. 445, 646 S.E.2d 147 (2007)

Cooke et al. v. Palmetto Health Alliance et al., 2004 WL 5582128 (2004)

Smith v. East Bluff Community Organization et al., 2004 WL 5000218 (2004)

Shuler et al. v. Gregory Electric Co., Inc. et al., 2004 WL 6219651 (2004)

Whitworth v. Window World, Inc., 2004 WL 5626871 (2004)

NC Venture I, L.P. v. Accusweep Services, Inc., et al., 2003 WL 25293072 (2003)

Hollins v. Randall et al., 2003 WL 25275540 (2003); 2003 WL 25475859 (2003)

Gateway Supply Company v. Richland County School District One et al., 2003 WL 25293076 (2003)

BB&T v. Taylor, 2003 WL 25872152 (2003)

West v. Gladney, 2001 WL 35967718 (2001)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Interstate Nuclear Services Corp. et al. v. South Carolina Department of Health and Environmental Control*, Docket No. 96-ALJ-07-0558-CC (March 3, 1999) (copy supplied).

There were five consolidated appeals from the South Carolina Department of Health and Environmental Control's ("DHEC") renewal of a South Carolina Radioactive Materials License issued to Interstate Nuclear Services Corporation ("INSC") adding conditions. INSC contested certain conditions contained in the License. Petitioners Environmentalists, Inc., Rosewood Development Association, Sierra Club, Edisto Court Community Council, McClinton, and Brown (collectively "Environmentalists, Inc., et al. petitioners") challenged DHEC's renewal of the License. INSC operated a facility in close proximity to a residential area in Columbia, South Carolina that cleaned and decontaminated garments used at nuclear enterprises and government facilities. The residual radioactive waste was stored at the facility and subsequently shipped off for disposal. The Environmentalists, Inc., et al. petitioners did not want the license renewed, and INSC raised issues of their standing to object to the renewal of the

license. After a lengthy evidentiary hearing about the conditions, the health and environmental concerns, I determined that the Environmentalists, Inc., et al. petitioners had standing and imposed stricter conditions for the storage of radioactive waste on the site.

Attorney for INSC: James W. Potter
Nexsen Pruet, LLC
P.O. Drawer 2426
Columbia, SC 29202
803-253-8213

Attorney for Environmentalist Inc.
and Rosewood Development: Robert Guild
Attorney at Law
314 Pall Mall Street
Columbia, SC 29201
803-252-1419

Attorney for DHEC: Samuel Finklea, III
Office of General Counsel
2600 Bull Street
Columbia, SC
803-898-3734

2. *Summer House Horizontal Property Regime v. DHEC*, Docket No. 97-ALJ-07-0403-CC (April 28, 1998) (copy supplied).

Summer House Horizontal Property Regime and three homeowners requested an evidentiary hearing after the South Carolina Department of Health and Environmental Control denied two permit applications to install erosion control devices consisting of sandbags on the beach under three houses and across a vacant lot to prevent further erosion along these ocean-front properties and along an eroding oceanfront escarpment line. Evidence presented at the hearing discussed the environmental impacts of the erosion control devices as well as the reasons the homeowners wanted to install the devices. I denied the permits because the use of sandbags by the petitioners was not in response to an emergency to protect their property and the sandbags had an adverse environmental impact on beach erosion.

Attorneys for Summer House: Ellison D. Smith, IV
Richard D. Bybee
P.O. Box 1542
Mt. Pleasant, SC 29465
843-881-1623

Attorneys for DHEC: Mary D. Shahid
Nexsen Pruet

P.O. Box 486
Charleston, SC 29402
843-720-1788

John P. Kassebaum, II
US Army Corps of Engineers
69-A Hagood Avenue
Charleston, SC 29403
843-329-8116

Attorney for Intervenors: James S. Chandler, Jr. (deceased)

3. *South Carolina Department of Revenue v. McDonald Amusement, Inc.*, Docket No. 98-ALJ-17-123-CC (November 13, 1998) (copy supplied).

Agents of the South Carolina Law Enforcement Division (“SLED”) issued a citation to McDonald Amusement, Inc., for tendering cash payouts on video game machines in excess of \$125 in a twenty-four hour period in violation of state law. A hearing was requested by McDonald Amusement, Inc. The primary issue before me was whether South Carolina’s statutory cash payout limit on video game machines applied only to winnings above the initial cash deposit, or, alternatively, whether the limit applied regardless of the initial cash deposit. I held that the statute prohibited payouts in excess of \$125 to any person in a twenty-four hour period, regardless of how much cash the person initially deposited into the machine. I determined that the citation was valid because McDonald Amusement, Inc. violated the statute.

Attorney for Department
of Revenue: Carol I. McMahan
South Carolina Department of Revenue
P.O. Box 12265
Columbia, SC 29211
803-898-5130

Attorneys for McDonald
Amusement: Richard A. Harpootlian
Robert G. Rikard
Law Offices of Richard A. Harpootlian
P.O. Box 1090
Columbia, SC 29202
803-252-4848

4. *South Carolina v. Ortiz*, Docket No. 2011-GS-40-0580, 0586 (S.C. Cir. Court, Richland Co. 2012) (copy supplied).

The defendant was charged with assault and battery of a high and aggravated nature arising from a dispute with neighbors. He claimed he was defending himself with a machete and cut the neighbors. Under the Protection of Persons

and Property Act, a defendant who seeks protection of the act is entitled to an evidentiary hearing to determine if he is entitled to the protection against prosecution. The burden is on the defendant to prove by a preponderance of the evidence that he is entitled to immunity under the act. After hearing the testimony of all of the witnesses, I determined the defendant was not entitled to immunity from prosecution. The case is still pending.

Prosecution: April Sampson
Jason Williams
Fifth Circuit Solicitor's Office
1701 Main Street, Third Floor
Columbia, SC 29201
803-576-1802

Defense: Kris Hines
James May
Public Defender's Office
P.O. Box 192
Columbia, SC 29201
803-765-2592

5. *South Carolina v. Person*, Docket No. 2007-GS-40-03510 (November 20, 2009).

Defendant was accused of homicide by child abuse involving three different infants over a period of nine years in her home day care business. The autopsy results initially did not reflect homicide but were subsequently reviewed and revised based upon the defendant's statements. Defendant made statements that appeared to implicate her after a lengthy interrogation and the use of polygraph examinations. The defense presented expert testimony about false confessions. An additional legal issue was whether the death of all three children could be joined for prosecution. I ruled that each death was to be tried separately. After a weeklong trial on the first death, Person was found guilty by the jury. The remaining charges were dismissed.

Prosecution: John Meadors
Luck Campbell
Fifth Circuit Solicitor's Office
1701 Main Street, Third Floor
Columbia, SC 29201
803-576-1802

Defense: Douglas Strickler
Fielding Pringle
Richland County Public Defender's Office
P.O. Box 192

Columbia, SC 29202
803-765-2592

6. *Chastain v. AnMed Health Foundation et al.*, (S.C. Cir. Court, Anderson Co. 2008) (copy supplied), *aff'd*, 388 S.C. 170, 694 S.E.2d 541 (S.C. 2010).

The plaintiff brought a medical malpractice claim against the charitable hospital and its nurses. The plaintiff had to establish that the nurses were grossly negligent to obtain a verdict against them individually. After hearing the testimony during the course of the week, the jury returned a verdict against the hospital only. The jury specifically found that the nurses were not grossly negligent. The hospital was a charitable organization which, under the statutes, would only be liable up to \$300,000 per occurrence. Based upon post trial arguments, I reduced the \$1.54 million verdict to \$300,000. The plaintiff appealed claiming that there was more than one occurrence and therefore her damages should not have been limited. On appeal, the decision was affirmed.

Attorney for Chastain:

Joseph G. Wright, III
McGowan Hood & Felder, PA
P.O. Drawer 1778
Anderson, SC.
864-225-6228

Attorney for AnMed Health:

Fred W. Suggs
Roe Cassidy Coates & Price, PA
P.O. Box 10529
Greenville, SC 29603
864-349-2616

7. *Collins Holding Co. v. Defibaugh et al.*, (copy of September 6, 2005 order supplied); 2006 WL 5430714 (Cir. Court of Richland Co. 2006), *rev'd*, 373 S.C. 446, 646 S.E.2d 147 (S.C. Ct. App. 2007) (copy supplied).

This was a week-long bench trial in which Collins Holding Company sued defendants for breach of employment contracts, interference with contractual relationships, unfair trade practices, and breach of fiduciary duties among other issues. The defendants were former employees of plaintiff's business which involved leasing amusement game machines. The plaintiff's claims arose out of the operation by defendants of a competing business leasing similar machines to the plaintiff's customers. The plaintiff dismissed several claims, and I dismissed the remaining claims against the defendants. The plaintiff filed for reconsideration of my order on the basis that I failed to address the claim that defendant employed unfair or deceptive practices. I then issued an order awarding damages to plaintiff finding that the amusement game machines utilized by the defendants employed a feature that was deceptive and harmful to the public and thus violated the Unfair Trade Practices Act. The Court of Appeals reversed the

award of damages concluding that it was not the alleged deceptive features employed by the machines that caused plaintiff to lose revenue but other factors.

Attorneys for Collins: Eric Bland
Bland Richter, LLC
P.O. Box 92
Columbia, SC 29202
803-256-9664

Attorneys for Defibaugh: A. Christopher Potts
Hitchcock & Potts
P.O. Box 1113
Charleston, SC 29402
843-577-5000

8. *Graham v. Town of Latta, South Carolina*, Docket No. 2008-CP-13-0376 and 0377 (S.C. Cir. Court, Dillon Co. 2012) (copy supplied).

The plaintiffs were homeowners whose property was flooded during a severe rain event. They sued the Town of Latta claiming it failed to properly maintain the sewage and rainwater drainage system. Additionally the plaintiffs alleged that problems with the pipes led to the overflow in their yard which caused the repeated flooding of the property. They sued claiming negligence, trespass and inverse condemnation. The town raised issues of immunity under the state's Tort Claims Act, which limits liability for a governmental agency. There were numerous motions relating to the immunity and the claims. I granted many of the motions, reserving the claim of negligence for the jury. The jury returned a verdict in favor of the plaintiffs.

Counsel for Graham: Reynolds Williams
Wilcox, Buyck & Williams, PA
P.O. Box 1909
Florence, SC 29503
843-662-3258

Counsel for the Town of Latta: Michael Wren
Daniel Plyler
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, SC 29202
803-806-8222

9. *Williams v. Condon et al.*, Docket No. 99-CP-40-2885 (S.C. Cir. Court, Richland Co. 2000) (copy supplied), *aff'd*, 347 SC 227, 553 S.E.2d 496 (S.C. Ct. App. 2001).

The plaintiff was prosecuted for barratry, the instigation of lawsuits by a person with no interest in the matter for personal gain, but was acquitted of the charge. The plaintiff then sued the Attorney General and the Solicitor individually and in their official capacities pursuant to 42 U.S.C. § 1983 for violation of his rights under federal law, false arrest, malicious prosecution, and negligence. Defendants moved to dismiss the lawsuit based upon prosecutorial immunity. I granted the motion to dismiss based upon immunity in favor of the defendants. In a split decision, the Court of Appeals affirmed.

Counsel for Williams: Francis Draine (retired)

Counsel for Defendants: Vinton D. Lide
Vinton D. Lide & Associates, LLC
P.O. Box 2189
Lexington, SC 29072
803-808-1799

J. Emory Smith, Jr.
S.C. Attorney General
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Columbia, SC 29211
803-734-3680

10. *Whitworth v. Window World, Inc. et al.*, Docket No. 2002-CP-40-00390 (S.C. Cir. Court, Richland Co. 2004) (copy supplied), *rev'd*, Op. No. 2005-UP-471 (S.C. Ct. App. filed July 26, 2005), *rev'd*, 377 S.C. 637, 661 S.E.2d 333 (2008).

In this appeal from the Workers Compensation Commission, I affirmed the decision to deny compensation on the basis that the employee was not on a work-related duty when he was injured in the motor vehicle accident. Plaintiff claimed his injury was covered under two exceptions to the “going and coming” rule. Injuries occurring to an employee while on his way to or from work do not arise out of or in the course of employment and therefore are not compensable. The circumstances surrounding plaintiff’s activities did not meet any exceptions. The Court of Appeals disagreed and reversed my decision. The South Carolina Supreme Court reversed the Court of Appeals and upheld my decision.

Counsel for Whitworth: Stephen B. Samuels
Samuels Law Firm, LLC
P.O. Box 50349
Columbia, SC 29250
803-779-4000

Counsel for Window World: Edwin Martin
Hedrick Gardner Kincheloe & Garofalo,
LLP
P.O. Box 11267
Columbia, SC 29211
803-727-1200

- 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. *Cooke v. Palmetto Health Alliance*, 2004 WL 5582128 (Cir. Court of Richland Co. 2004), *aff'd*, 367 S.C. 167, 624 S.E.2d 439 (Ct. App. 2005).

Counsel for Cooke: Robert Ransom
Leventis and Ransom
P.O. Box 11967
Columbia, SC 29211
803-765-2383

Counsel for Palmetto Health: George Beighley
Drew Butler
Richardson Plowden & Robinson, PA
1900 Barnwell
Columbia, SC 29201
803-771-4400

2. *Jordan et al. v. Holt et al.*, 96-CP-26-3792 (S.C. Cir. Court, Horry Co. 1999) (copy supplied), *aff'd* 362 SC 201, 608 S.E.2d 129 (2005).

Attorneys for Jordan: James B. Richardson, Jr.
Law Office of James B. Richardson, Jr., PC
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Columbia, SC 29201
803-799-9412

Richard M. Lovelace, Jr.
Law Offices of Richard M. Lovelace, Jr.
P.O. Box 1704
Conway, SC 29528
843-248-7321

Attorneys for Holt: Henrietta Golding
McNair Law Firm

P.O. Box 336
Myrtle Beach, SC 29577
843-444-1107

3. *Ward v. South Carolina*, Docket No. 98-CP-40-4069 (S.C. Cir. Court, Richland Co. 1999) (copy supplied), *rev'd and remanded*, 343 S.C. 14, 538 S.E.2d 245 (S.C. 2000), *cert. denied*, 543 U.S. 808 (2004).

Counsel for Ward: John M.S. Hoefer
B. Craig Collins
Willoughby & Hoefer
P.O. Box 8416
Columbia, SC 29202
803-252-3300

A. Camden Lewis
Lewis Babcock & Griffin, LLP
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Columbia, SC 29211
803-771-8000

Counsel for State: Vance J. Bettis
Gignilliat Savitz & Bettis
900 Elmwood Avenue, Suite 100
Columbia, SC 29201
803-799-9311

4. *BB&T v. Taylor*, 2003 WL 25872152 (Cir. Court of Richland Co. 2003), *aff'd* Op. No. 2004-UP-513, (S.C. Ct. App. filed Oct. 14, 2004), *rev'd and remanded*, 369 S.C. 548, 633 S.E.2d 501 (S.C. 2006).

Counsel for BB&T: John William Ray
Attorney at Law
P.O. Box 8535
Greenville, SC 29604
864-313-5332

Defendant: Pro se

5. *Curtis v. South Carolina*, Docket No. 99-CP-23-2463 (S.C. Cir. Court, Greenville Co. 2000) (copy supplied).

Attorney for Curtis: Robert Clyde Childs, III
Childs Law Firm
2100 Poinsett Hwy., Suite D

Greenville, SC 29609
864-242-9997

Attorney for South Carolina: Knox L. Haynsworth, III
Brown Massey Evans McLeod &
Haynsworth
P.O. Box 2464
Greenville, SC 29602
864-271-1300

6. *Columbia/CSA-HS Greater Columbia Healthcare System, LP d/b/a Providence Hospital v. S.C. Medical Malpractice Liability Joint Underwriting Association et al.*, 2009 WL 8727106 (Cir. Court of Richland Co. 2009), *aff'd* 394 S.C. 68, 713 S.E.2d 639 (Ct. App. 2011).

Counsel for Providence
Hospital: C. Mitchell Brown
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
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803-255-9595

Monteith P. Todd
Sowell Gray Stepp & Laffitte, LLC
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Columbia, SC 29211
803 231-7837

Counsel for Joint
Underwriters Association: Andrew Lindemann
Davidson & Lindemann
P.O. Box 8568
Columbia, SC 29202
803-806-8222

J. Edward Bradley
Moore Taylor & Thomas, LLC
P.O. Box 5709
West Columbia, SC 29171
803-796-9160

7. *Clary et al. v. Borrell*, 2010 WL 9442267 (Cir. Court of Richland Co. 2010), *aff'd* 398 SC 287, 727 S.E.2d 773 (Ct. App. 2012).

Counsel for Clary: Kenneth Hanson
Hanson Law Firm, PA
5156 St. Andrews Road, #101
Columbia, SC 29212
803-798-9446

Counsel for Borrell:

Page Kalish
Robinson McFadden & Moore, PC
P.O. Box 944
Columbia, SC 29202
803-779-8900

8. *McCullar v. Campbell*, 2005 WL 5798589 (Cir. Court of Richland Co. 2005), *rev'd and remanded* Op. No. 2006-UP-332 (S.C. Ct. App. filed September 20, 2006), *rev'd* 381 SC 205, 672 S.E.2d 784 (2009).

Attorneys for McCullar:

Kevin Sitnik
South Carolina Law Firm
P.O. Box 389
Irmo, SC 29063
803-520-6573

Attorneys for Campbell:

Kay Crowe
Barnes Alford Stork & Johnson, LLP
Columbia, SC 29202
803-799-1111

9. *Gladden v. Boykin*, Docket No. 2007-CP-28-0288 (S.C. Cir. Court, Kershaw Co. 2010) (copy supplied), *aff'd*, Op. No. 27236 (S.C. Sup. Ct. filed March 27, 2013).

Attorney for Gladdens:

B. Michael Brackett
Moses Koon & Brackett, PC
P.O. Box 100261
Columbia, SC 29202
803-461-2312

Attorneys for Palmetto Home:

Joseph S. McCue
Collins & Lacy, PC
P.O. Box 12487
Columbia, SC 29211
803-256-2660

10. *Brooks v. Wilson*, Docket No. 2011-CP-40-05132 (S.C. Cir. Court, Richland Co. 2013) (copy supplied).

Attorney for Brooks:

George R. McElveen, III
McElveen & McElveen
2229 Bull Street
Columbia, SC 29201
803-799-9581

Attorney for Wilson:

Kristin Simons
S.C. Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
803-734-3970

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

Ward v. South Carolina, Docket No. 98-CP-40-4069 (S.C. Cir. Court, Richland Co. 1999) (copy previously supplied in response to question 13(d)), *rev'd and remanded*, 343 S.C. 14, 538 S.E.2d 245 (S.C. 2000), *cert denied*, 543 U.S. 808 (2004).

- 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.

I have provided a summary of all such opinions below and have provided copies of any available decisions. In certain cases, I did not issue any written opinion. In other cases, I have been unable to locate the opinions after searching through my records and available databases.

LeClair v. Palmetto Health, Docket No. 2008-CP-40-4832 (S.C. Cir. Court, Richland Co. 2011) (copy supplied), *rev'd*, Op. No. 2013-UP-081 (S.C. Ct. App. filed February 20, 2013) (copy supplied). I granted summary judgment based upon the statute of limitations arising out of a medical malpractice action for wrongful death. I interpreted the statute of limitations as running from the date of the alleged negligence, *i.e.* the medical malpractice. The Court of Appeals reversed, concluding that the limitation period should have been based upon the date of death not the date of the negligence resulting in death.

Dutch Fork Development Group II, LLC v. SEL Properties, LLC., Docket No. 2005-CP-40-00749 (S.C. Cir. Court, Richland Co. 2009) (copy supplied), *rev'd* Supreme Court of South Carolina, August 22, 2012, --- S.E.2d ---, 2012 WL 3667374. The plaintiff brought this lawsuit against a company and the manager of the company individually for torts and for breach of contract. During the trial I denied a directed verdict motion. After a jury found for the plaintiff, defendants moved for a judgment notwithstanding the verdict which was denied. The manager appealed on the question of whether he could be liable individually for interfering with the performance of the contract. The South Carolina Supreme Court held that he could be held liable but plaintiff failed to present sufficient evidence to discern the parameters of the manager's authority.

Edwards v. State, Docket No. 2002-CP-40-05281 (S.C. Cir. Court, Richland Co. 2004) (copy supplied), *rev'd* 372 S.C. 493, 642 S.E.2d 738 (2007). I granted post-conviction relief based upon an enhanced sentence imposed for subsequent convictions on the basis that the indictments did not allege the enhancement criteria. The Supreme Court reversed relying on case law decided after my order that clarified the requirements for when a defendant may challenge an indictment for insufficiency.

Collins Holding Corp. v. Defibaugh, 2006 WL 5430714 (copy previously supplied in response to question 13(c)), 373 S.C. 446, 646 S.E.2d 147 (Ct. App. 2007). After a non-jury trial, I issued an order that granted treble damages finding there was a willful or knowing violation of the Unfair Trade Practices Act. Both parties appealed. The Court of Appeals reversed my finding that there was a violation of the Act because of the damages suffered by the plaintiff. The court held that the damages suffered by the plaintiff were not caused by the use of a deceptive act, but rather because the machines were easy to play and faster than the competitor's.

RWE NUKEM Corp. v. ENSR Corp., 2005 WL 5748828 (Docket No. 2003-CP-40-04687, Cir. Court of Richland Co. 2005); 2005 WL 6367921 (2005), *rev'd and remanded* 373 S.C. 190, 644 S.E.2d 730 (2007). In this contract dispute, I granted a partial dismissal of the defense that the action was filed outside the statute of limitations, that the defense was waived, and that the defendant was estopped from raising the issue. The South Carolina Supreme Court held that a factual question existed on these issues and remanded the case. I did not handle the case on remand.

Tomlinson v. Mixon, 2004 WL 5575028 (Cir. Court of Richland Co. 2004), *rev'd* 367 S.C. 467, 626 S.E.2d 43 (S.C. Ct. App. 2006), *opinion vacated*, 373 S.C. 445, 646 S.E.2d 147 (2007). This is an appeal from a trial in which I did not require the parties to elect their remedy from among the several causes of action raised and granted by the jury verdict. The Court of Appeals, in a split decision, determined that to avoid double recovery the prevailing party should elect which of the two claims they wished to recover. The parties appealed to the Supreme Court which granted certiorari, but during the appeal the matter was amicably resolved.

Stanley v. City of Columbia Animal Control, Docket No. 97-CP-40-00530 (S.C. Cir. Court, Richland Co. 2002), *rev'd* Opinion No. 2005-UP-481, Ct. App. filed August 8, 2005 (copy supplied). I directed a verdict during the trial in which the plaintiff filed a 42 U.S.C. § 1983 suit because her pedigree puppies were euthanized after being seized by Animal Control. The puppies were not confined to plaintiff's property, and no one came to claim the dogs within the time period allowed. The Court of Appeals reversed the granting of the directed verdict and remanded for a trial. I did not handle the case on remand.

Nationwide Mut. Ins. Co. v. Prioleau, Docket No. 2002-CP-40-02471 (S.C. Cir. Court, Richland Co. 2002) (copy supplied), *rev'd* 359 SC 238, 597 S.E.2d 165 (Ct. App. 2004). This case involved an automobile insurance policy issued to a husband and wife. The question presented was whether the insurance company made a meaningful offer of underinsured motorist coverage to the wife pursuant to statute. I found that the company had not made such an offer to the wife even though such an offer had been made to and rejected by the husband. The issue turned on whether the husband was an agent for the wife in refusing coverage. The Court of Appeals found there was evidence of an implied agency between the parties and reversed in favor of the insurance company.

Connecticut Indemnity Co. v. Davis et al., Docket No. 96-CP-40-03894 (S.C. Cir. Court, Richland Co. 2000) (copy supplied), *rev'd and remanded*, Op. No. 2004-UP-436 (S.C. Ct. App. filed July 26, 2004) (copy supplied). This was a declaratory judgment action about payment of a construction bond. The parties settled the claims leaving issues about who would pay attorney fees and costs. I concluded that the issue was a matter of contract and not appropriate for a declaratory judgment action and dismissed the case. The Court of Appeals held that the attorney's fees and costs arise out of the interpretation of the indemnity agreement, which was part of the declaratory judgment action, and remanded the case. I did not handle the case on remand.

Gaffney Ledger v. South Carolina Ethics Com'n, Docket No. 2002-CP-40-02059 (S.C. Cir. Court, Richland Co. 2002) (copy supplied), *rev'd* 360 S.C. 107, 600 S.E.2d 540 (2004). The Gaffney Ledger newspaper published an article stating that a citizen complaint to the Ethics Commission had been "tossed out." The citizen then filed an action with the Ethics Commission claiming the newspaper violated the confidentiality requirement of the ethics laws. The Ethics Commission issued a public reprimand against the Gaffney Ledger for violating the confidentiality requirement of the Ethics Reform Act. The newspaper challenged the reprimand by appealing to the circuit court. I affirmed the Ethics Commission. On appeal, the Supreme Court reversed the finding of a violation and clarified interpretation of the applicable code section which was amended during the appeal.

Ward v. South Carolina, Docket No. 98-CP-40-4069 (S.C. Cir. Court, Richland Co. 1999) (copy previously supplied in answer to question 13(d)), *rev'd and remanded*, 343 S.C. 14, 538 S.E.2d 245 (S.C. 2000), *cert denied*, 543 U.S. 808 (2004). Federal retirees brought a class action against the state for a declaratory judgment that the state statute unconstitutionally eliminated tax exemptions for state retirees and simultaneously increased pension benefits for state retirees to offset the increased tax liability. The state raised the issue of failure to exhaust administrative remedies prior to filing the action in circuit court. I agreed with the state. On appeal the Supreme Court held that exhaustion of administrative remedies is not required when the only issue is the constitutionality of a statute, which is a question for the courts, not an administrative agency.

White v. S.C.E. & G., Opinion No. 2002-UP-406, Ct. App. filed June 5, 2002 (copies of trial and appellate opinions unavailable). In this worker's compensation case, I concluded that the conditions of employment were unusual and extraordinary and therefore compensable. The Court of Appeals held that the case should have been remanded to the Worker's Compensation Commission to make additional findings of fact.

Reflections Owners Association, Inc. v. Philbeck, Docket No. 97-CP-40-2676 (S.C. Cir. Court Richland Co. 2000) (copy supplied), *rev'd*, Op. No. 2002-UP-550 (S.C. Ct. App. filed September 3, 2002) (copy unavailable). This was an action to collect fees and assessments. In awarding the fees I applied the equitable doctrine of quantum meruit. The Court of Appeals held that the covenants and declarations were contractual in nature and therefore quantum meruit did not apply.

Parks v. Characters Night Club, Docket No. 99-CP-32-03677 (S.C. Cir. Court, Greenville Co. 2000) (copy unavailable), *rev'd* 345 S.C. 484, 548 S.E.2d 605 (Ct. App. 2001). After a dispute inside a night club, the fight spilled into the parking lot. Parks was injured and filed suit against the night club claiming it was negligent. After a trial before the magistrate, Parks prevailed. The defendants appealed the verdict claiming the magistrate should have directed a verdict in its favor because there was no evidence that defendants were negligent or that the injury to Parks was foreseeable. I agreed with the magistrate and affirmed the verdict. The Court of Appeals reversed, holding that although the attack on Parks from third parties was not foreseeable, based upon the evidence in the record, the night club was negligent in the manner in which it attempted to break up the altercation.

Cooper v. South Carolina, Opinion No. 2000-UP-781, Ct. App. filed January 2, 2001 (copy unavailable). The state appealed the reinstatement of driving privileges of a person convicted of driving while impaired under Colorado law. I reinstated driving privileges by distinguishing case law and the amendment of the statute. The Court of Appeals reversed based on its reading of the statutory amendment.

American Stereo v. Brooks, Docket No. 97-CP-40-03135 (S.C. Cir. Court, Richland Co. 1999) (copy supplied), *rev'd* Opinion No. 2000-UP-712, Ct. App. filed November 21, 2000 (copy unavailable). This appeal from the magistrate court was reversed on the basis that there was no jurisdiction because it was not clear from the record that the magistrate court actually heard a pending motion for a new trial.

- 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.

All of the orders or opinions I have written as a circuit court judge are unpublished. These orders and opinions are filed with the Clerk of Court in the original case file in the county where the action was filed. The Clerk of Court is the custodian of the records and determines whether to store the contents of the files on microfilm or store them in a warehouse off-site. While the Clerk of Court may have an online public record of what is contained in the original file, orders are not generally available for online viewing. In addition, Westlaw has chosen to publish some of the orders or opinions which are available online.

- 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.

Curtis v. South Carolina, Docket No. 99-CP-23-2463 (S.C. Cir. Court, Greenville Co. 2000). Copy previously supplied in response to question 13(d).

- 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 Circuit Court does not have an automatic recusal system. Each judge determines recusal on a case by case basis based upon the Code of Judicial Conduct. The court does not maintain a list of the cases in which a judge is

recused. I also do not maintain a list of cases on which I have been recused. The cases I have cited are those I recall.

During my career as a South Carolina Circuit Court Judge, I recused myself in all cases in which I had a personal relationship with one of the parties or an attorney and that personal relationship either affects my ability to be fair and impartial or the relationship creates an appearance of partiality. Based upon these criteria I have recused myself sua sponte in the following cases:

February 8, 2006: *Shandon Construction v. Meadows et al.*, Docket No. 2005-CP-40-04213. Defendant is my personal physician.

October 30, 2002: *Thorne v. S.C. Department of Disabilities and Special Needs, Midlands Center et al.*, Docket No. 2012-CP-40-03805. My husband was employed at that facility for 33 years.

I also recused myself in a case involving a doctor practicing with Laurel Endocrine Associates although the practice itself was not a party. My endocrinologist practices with this group. I cannot recall or locate the case name.

I have been requested to recuse myself in the following cases:

In two cases, parties requested that I recuse myself because other parties were represented by attorneys employed with the McNair Law Firm, my previous employer. The requests were made many years after my employment ended and did not involve any clients with whom I was familiar. I did not recuse myself because there was no evidence to justify recusal. I do not have any information about the case name or the docket number.

I was asked to recuse myself in one matter because the plaintiff was disabled and utilized a wheelchair. At the time my mother was also disabled and utilized a wheelchair. The request was not timely and the attorney did not present evidence demonstrating bias, prejudice or impartiality under the ethical canons. I denied the request. I do not have any information on the case name or the docket number. The plaintiff did not appeal my recusal decision.

State v. Person, Docket No. 2007-GS-40-03510. The Solicitor requested that I recuse myself after ruling on pre-trial motions on the basis of bias. I did not recuse myself because he presented no factual basis or evidence to demonstrate bias or prejudice. His request was based upon rulings I rendered during pretrial hearings that were adverse to the State. The Solicitor did not appeal my recusal decision.

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.

I have not held any public office other than as an administrative law judge or a state trial judge.

- 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.

None.

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 August 1982 to September 1983, I served as a law clerk to the Honorable Israel M. Augustine, Jr., in the Louisiana Fourth Circuit Court of Appeal.

From October 1983 to August 1984, I served as a law clerk to the Honorable C. Tolbert Goolsby, Jr., Circuit Judge of the South Carolina Court of Appeals.

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

I have not 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.

1984 – 1989
McNair Law Firm
P.O. Box 11390
Columbia, South Carolina 29211
Associate

1989 – 1994
South Carolina Legislative Council
P.O. Box 11489
Columbia, South Carolina 29211
Staff Counsel

- 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.

From 1984 to 1989, I was a litigation associate at the McNair Law Firm in Columbia, South Carolina, responsible for the preparation of pleadings including discovery requests and answers, legal research, writing briefs, interviewing witnesses and preparing exhibits primarily in federal court civil matters. I handled litigation and witness preparation for trial and argued motions. Initially, I assisted in these matters and then became lead attorney for matters involving certain clients. The civil litigation involved defending businesses and employers in abuse of process, slander, false arrest, false imprisonment, unfair debt collection practices, contract disputes and construction defect cases. Throughout this time period I had the opportunity to be involved in two criminal cases: a white collar criminal trial and a court appointed murder case. I was in the transactional section for approximately six months in 1987 during which I reviewed documents and contracts. When the firm expanded its practice area in litigation to include labor and employment law, I returned to litigation focusing on these practice areas. The last two years of my practice were devoted to labor and employment issues, primarily employment discrimination involving equal pay, age, race, and sex discrimination as well as sexual harassment issues. In the labor law area I worked on an OSHA matter in a hearing before a federal administrative law judge.

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

As an associate with the McNair Law Firm from 1984 to 1989, my typical clients were private individuals, retail businesses, and corporations. I practiced primarily defensive civil litigation.

- 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.

With the exception of approximately six months during which I practiced in the business section, all of my practice involved litigation. I appeared in court occasionally on motions practice and a few trials. Most of the cases were resolved by settlement or by motion.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 80% |
| 2. criminal proceedings: | 20% |

- 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.

In private practice, I tried approximately four cases to verdict, judgment, or final decision by a jury and one before an administrative law judge. In all cases, I was associate counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 75% |
| 2. non-jury: | 25% |

- 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.

I have only practiced law as an associate attorney with the McNair Law Firm, in Columbia, South Carolina from 1984 to 1989. I have not practiced law as an attorney since 1989. I have attempted to locate specific information about the cases including the docket numbers, the names of the judges, and the attorneys involved in the cases that I litigated as an associate with the McNair Law Firm, but the information is not available on public record. I have provided the information I remember to the best of my ability. The attorneys worked with and mentioned were then employed by the McNair Law Firm. Any remaining records in these matters are located in the McNair Law Firm's storage at an off-site location.

1. *McClain v. Westinghouse et al.*, Docket No. unknown (D.S.C.).

I represented Westinghouse with Richard Morgan in a lawsuit alleging discrimination based upon race, sex, equal pay and claims of sexual harassment by plaintiff. I assisted in all aspects of defending the case, including taking the depositions of the plaintiff and her witnesses. I prepared the brief on the motion for summary judgment, which was argued by Mr. Morgan. The Magistrate issued a report of findings in which he recommended dismissal of all claims. The district court adopted the recommendations.

Co-Counsel for Defendant:

Richard J. Morgan
McNair Law Firm
1221 Main Street
Suite 1800
Columbia, SC 29201
864-226-1688

2. *U.S. Department of Labor v. Fluor Daniel Construction Co.* Docket No. unknown.

I assisted in representing Fluor Daniel with Carl Carruth before an administrative law judge on violations of OSHA standards. The administrative hearing was conducted over four separate weeks in Paducah, Kentucky and Nashville, Tennessee. My role in the representation was to assist Mr. Carruth with review of

documents obtained during discovery, research, and trial preparation. Penalties were assessed but the case was settled before appeal.

Co-Counsel for Defendants:

Carl B. Carruth
McNair Law Firm
1221 Main Street
Suite 1800
Columbia, SC 29201
864-226-1688

3. *Oh v. Kyoto Japanese Steak House*, Docket No. unknown (D.S.C.).

Wilmot Irvin and I represented Ms. Oh in a personal injury action. Ms. Oh sustained burns to her face and upper body at the restaurant. I assisted by conducting client and witness interviews and preparing the pleadings and discovery. I also participated in settlement discussions. The case settled before trial.

Co-Counsel for Plaintiff:

Wilmot B. Irvin (formerly of the McNair Law Firm)
Attorney at Law
1533 Richland Street
Columbia, South Carolina 29201
803-765-0555

4. *Atkinson v. Citicorp Acceptance Co.*, Docket No. unknown (D.S.C.)

This case involved allegations of violating the Unfair Debt Collection Practices Act. I was lead counsel with Elizabeth Van Doren Gray. I conducted discovery and pleadings, filed a motion for summary judgment, prepared the brief and argued motions in court. Summary judgment was granted in favor of Citicorp.

Co-Counsel for Defendant:

Elizabeth Van Doren Gray (formerly of the McNair Law Firm)
Sowell Gray, PA
1310 Gadsden Street
Columbia, South Carolina 29201
803-929-1400

5. *South Carolina v. Stroman*, Docket No. unknown (Richland Co.).

Peter Murphy was appointed to represent Stroman on a murder charge. I assisted

him by interviewing witnesses, investigating the allegations, and traveling to the crime scene, the State Hospital and the maximum security prison. I participated in all phases of trial including the opening statements, direct testimony of Stroman, and cross examination of witnesses. Stroman was found not guilty despite the claim that he confessed twice to the crime.

Co-Counsel for Defendant:

Peter Murphy (retired).

6. *United States v. Jones*, Docket No. unknown (D.S.C.).

This case involved kickback and bribery charges against a public official, Jones. I assisted Terrell Glenn, Elizabeth Van Doren Gray, and Robert Stepp by conducting research and preparing jury charges. Jones was found not guilty on one count and guilty on the remaining counts in the indictment.

Co-Counsels for Defendant:

Elizabeth Van Doren Gray (formerly of the McNair Law Firm)
Robert Stepp (formerly of the McNair Law Firm)
Sowell Gray, PA
1310 Gadsden Street
Columbia, South Carolina 29201
803-929-1400

Terrell Glenn (deceased)

7. *Purdie v. Smalls*, Docket No. unknown (S.C. Cir. Court, Berkeley Co.), 293 SC 216, 359 S.E.2d 306 (Ct. App. 1987).

Celeste Jones and I represented Smalls in family court brought by Purdie seeking to enforce a New York order that changed custody from the mother to the father. I believe I was appointed. The family court upheld the order which we appealed. The case involved question of enforcement of foreign judgments. The Court of Appeals reversed and remanded the case. I was not involved in the remand.

Co-Counsel for Defendant:

Celeste Jones
McNair Law Firm
1221 Main Street
Suite 1800
Columbia, SC 29201
864-226-1688

8. *Smith v. Kroger Co.*, Docket No. unknown (D.S.C.).

This action was initiated in state court and removed to federal court. Smith sued Kroger for false arrest and slander arising out of an alleged shoplifting incident. The matter was resolved prior to trial. I began my representation of Kroger as an associate and was supervised by Elizabeth VanDoren Gray or Robert Stepp. Ultimately, I became sole counsel on cases involving Kroger. Most of the Kroger cases were settled.

Co-Counsel for Defendant:

Elizabeth Van Doren Gray
Robert Stepp
(formerly of the McNair Law Firm)
Sowell Gray, PA
1310 Gadsden Street
Columbia, South Carolina 29201
803-929-1400

9. *Omni Corporation v. Ruscon Construction et al.*, Docket No. unknown (D.S.C.).

This litigation involved the construction of the Omni Hotel in Charleston (now Charleston Place). Russell Jeter and I represented Ruscon Construction Company. I assisted in research, gathering discovery and preparation for depositions. The lawsuit was resolved before trial.

Co-Counsel for Defendant:

Russell Jeter (formerly of the McNair Law Firm)
Jeter & Williams, PA
1204 Main Street
Suite 200
Columbia, South Carolina 29202
803-765-0600.

10. *Condon v. Best View Cablevision, Inc.*, Docket No. unknown (Abbeville Co.), 292 S.C. 117, 335 S.E.2d 7 (Ct. App. 1987).

Condon, holder of a note, filed suit to recover money due. The case involved the interpretation of the stock purchase agreement, specifically the noncompetition clause and unfair trade practices counterclaims. I represented Condon with Wilmot Irvin. Judgment was awarded to Condon and the defendant appealed. The case was affirmed in part, reversed in part and remanded.

Co-Counsel for Plaintiff:

Wilmot B. Irvin (formerly of the McNair Law Firm)
Attorney at Law
1533 Richland Street
Columbia, South Carolina 29201
803-765-0555

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.)

During my tenure as a staff attorney with the South Carolina Legislative Council from 1989 to 1994, I drafted legislation relating to crimes, corrections and penology, and transportation. One of the significant pieces of legislation was the Sentencing Classification Act of 1993, which codified a criminal classification for crimes and offenses in South Carolina. All crimes were classified into felonies and misdemeanors and the elements of each crime were given a standardized format. Prior to this legislation, all crimes were misdemeanors unless specifically designated as a felony or the crime was a felony at common law. The Sentencing Classification Act of 1993 also categorized the offenses by maximum term of imprisonment and eliminated most ten-year misdemeanors. This legislation was a major overhaul of the criminal code in South Carolina.

Throughout my career, I have also contributed to the profession through my committee work. For example, as a member of the Young Lawyers Division with the South Carolina Bar from 1987 to 1988, I served as the representative to the South Carolina Bar for continuing legal education. I provided input and feedback from the younger members of the bar on legal education programs. The committee provided direction in determining educational programming for its members.

I was appointed as an associate commissioner for the South Carolina Supreme Court Commission on Grievances and Discipline from 1987 to 1989. As an associate commissioner, I conducted the preliminary investigation on any complaints made against an attorney. After gathering information from the attorney, I provided a brief report to the commission. The commissioners used the report to determine if further investigation or action was required.

During my three-year term as a delegate to the National Conference of State Trial Judges, the American Bar Association ("ABA") considered provisions for group membership to increase the number of judges participating in the ABA and the Conference of State Trial Judges within the Judicial Division of the ABA. A majority of the South Carolina circuit

judges have become members, and I serve as the ABA group administrator for the South Carolina circuit judges.

As a member of the South Carolina Supreme Court Commission on Specialization and Continuing Legal Education since 2010, I help oversee the administration of the continuing legal education program by approving those companies or providers of legal education classes and approve the candidates seeking certification as specialists in certain areas of practice. Recently, the Commission has assumed the task of supervising the Mentoring Program for newly admitted members of the South Carolina Bar. This program pairs every newly admitted lawyer with a mentor during the first year of practice.

I have not performed any lobbying activities for any client or organization. I am not a registered 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.

I have not taught any courses.

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).

See attached Financial Disclosure 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 am not aware of any particular conflicts of interest that are likely to arise. If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 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 carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 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.

As an administrative law judge and later as a trial judge, I have been restricted from providing pro bono litigation services. However, I continue to engage in the community through various civic organizations. For example, I participate in programs for underserved members of Richland County and the Columbia, South Carolina metropolitan area. These include adopt-a-school programs, bone marrow and organ donations programs, community health forums, and programs focusing on youth achievement, the arts, mentoring, and childhood obesity. Most of the programs are provided through the school districts and in conjunction with community partners. Additionally, I have also served on the United Way Planning Committee and the Richland County Department of Social Services Board.

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.

In December 2012, I provided a resume to Congressman James E. Clyburn's staff. I was interviewed by Congressman Clyburn at his Columbia, South Carolina office on January 9, 2013. Since April 10, 2013, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On May 14, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On June 26, 2013, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

I, Alison Renee Lee, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

6/27/2013
(DATE)

Alison Renee Lee
(NAME)

Betty J. Smith
(NOTARY)
expire 10/20/2018