UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Donald Cecil Coggins, Jr.

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.

   Harrison, White, Smith & Coggins, P.C.
   178 West Main Street
   Spartanburg, South Carolina 29306

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

   1959; Spartanburg, 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.

   1981 – 1984, University of South Carolina School of Law; J.D., 1984

   1977 – 1981, Clemson University; B.A., 1981

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.

   2000 – present
   Harrison, White, Smith & Coggins, P.C. (formerly Harrison, White, Smith, Hayes & Coggins, P.C.)
   178 West Main Street
   Spartanburg, South Carolina 29306

Attorney-Shareholder (2000 – present)
Managing Shareholder (2010 – 2013)

1993 – 1999
Smith and Coggins
(now defunct)
Spartanburg, South Carolina
Partner

1984 – 1993
Cummings, Smith and Coggins (formerly Cummings and Smith)
(now defunct)
Spartanburg, South Carolina
Partner (1986 – 1993)
Associate (1984 – 1986)

1982 – 1984
Sowell, Gray & Robinson (formerly Robinson, McFadden, Moore, Pope, Williams, Taylor & Brailsford, P.C.), now defunct - merged with Sowell Gray Stepp & Laffitte, LLC effective January 1, 2017
Columbia, South Carolina 29201
Law Clerk

Summer 1983
Haynsworth, Baldwin, Greaves & Edwards, P.A.
(now defunct)
Greenville, South Carolina
Summer Law Clerk

Summer 1981
Gateway Supply Company
1312 Hamrick Street
Columbia, South Carolina 29201
Job Estimator

Other Affiliations (uncompensated unless otherwise indicated):

2011 – present
Spartanburg Interfaith Hospitality Network
899 South Pine Street
Spartanburg, South Carolina 29302
Board Member (2011 – present)
President (2015 – 2016)
Treasurer (2017)

1999 – present

King Street Associates, LLC
178 West Main Street
Spartanburg, South Carolina 29306
Member, 25% interest (firm's real estate holding company)

2007 – 2010
East Spartanburg Leadership Council (formerly Spartanburg Three Leadership Council)
3535 Clifton-Glendale Road
Spartanburg, South Carolina 29307
Co-Chairman

2006 – 2010
Children's Shelter of the Upstate (formerly Spartanburg Children's Shelter, Inc. and n/k/a Hope Center for Children)
202 Hudson Barksdale Boulevard
Spartanburg, South Carolina 29306
Board Member (2006 – 2010)
Vice-President (2008 – 2010)

1999 – 2005
Oakbrook Preparatory School
190 Lincoln School Road
Spartanburg, South Carolina 29301
Board Member (1999 – 2005)
Board Chairman (2003 – 2005)

1993 – 2001
Spartanburg Area Mental Health Center
3900 Taggart Drive
Spartanburg, South Carolina 29303
Board of Trustees

1994 – 1999
Spartanburg Metro YMCA
266 South Pine Street
Spartanburg, South Carolina 29302
Board Member (1994 – 1999)
President (1998 – 1999)

1993 – 1995; 1998
Central United Methodist Church
233 North Church Street
Spartanburg, South Carolina 29306
Church Council Chairman (1998)
Board of Trustees (1993 – 1995)
Board of Trustees Chairman (1995)

1992 – 1998
Spartanburg Regional Health System Hospice
101 East Wood Street
Spartanburg, South Carolina 29303
Board Member (1992 – 1998)
President (1996 – 1997)

1988 – 1991
Spartanburg Breakfast Optimist Club
590 Foster Mill Road
Spartanburg, South Carolina 29302
Board Member (1988 – 1990)
President (1990 – 1991)

Approximately 1984 – 1987
Zion Hill Baptist Church
2817 East Main Street
Spartanburg, South Carolina 29307
Deacon

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 U.S. 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.

   Martindale Hubbell AV-rated (1999 – present)
   Best Lawyers in America (2005 – 2016)
   South Carolina Super Lawyers (2008 – 2016)
   Children's Shelter of the Upstate Distinguished Service Award (2009)
   Carolina Counseling, Inc. Horizon Employer of the Year (1999)
   Spartanburg Regional Hospice Board Member of the Year (1997)
   University of South Carolina Mock Trial Team (1984)
   Robert Wagner Labor Law Moot Court Team (1983)
   Tiger Brotherhood (Clemson University) (1980 – 1981)
   Blue Key National Honor Fraternity (1980 – 1981)
   Omicron Delta Epsilon Honor Society (1980 – 1981)
   Alpha Lambda Delta Honor Society (1978 – 1979)
   Strom Thurmond Scholarship (1977 – 1979)

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 Association for Justice (formerly American Trial Lawyers Association) (1985 – present)
American Bar Association (1985 – present)
American Society of Legal Advocates (2015 – present)
Attorneys to Assist South Carolina Office of Disciplinary Counsel (1996 – 2003)
District of South Carolina Magistrate Selection Panel (2007)
Federal Bar Association (2011 – present)
Litigation Counsel of America (2009 – present)
The National Trial Lawyers (2012 – present)
Phi Delta Phi Legal Fraternity (Life Member) (1982 – present)
Spartanburg County Bar Association (1985 – present)
    Common Pleas Committee
    Courtroom Technology Committee
    Law Day Committee
    Wellness/Memorial Committee
South Carolina Association for Justice (formerly South Carolina Trial Lawyers Association (1985 – present)
South Carolina Bar (1984 – present)
South Carolina Commission on Lawyer Conduct (2003 – 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, 1984

       There has been no lapse 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 Supreme Court, 2001
       United States Court of Appeals for the Fourth Circuit, 1984
       United States District Court for the District of South Carolina, 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.

Central United Methodist Church (1989 – present)
Board of Trustees Chairman (1995)
Church Council Chairman (1998)
Church and Society Committee Chairman (2011 & 2017)
Finance Committee Chairman (2013 – 2015)
Lay Leader (2007 – 2008)

Cherokee National Country Club (2006 – 2007)

Children's Shelter of the Upstate (formerly Spartanburg Children's Shelter, Inc. and n/k/a Hope Center for Children)
Board Member (2006 – 2010)
Vice-President (2008 – 2010)

Converse (S.C.) Masonic Lodge (1985 – approximately 1995)

East Spartanburg Leadership Council (formerly Spartanburg Three Leadership Council) (1998 – present)
Co-Chairman (2007 – 2010)

Elite Sports Amateur Golf Tour (2005 – present)

Lan-Yair Country Club (approximately 1995 – 2003)

Oakbrook Preparatory School
Board Chairman (2003 – 2005)
Board Member (1999 – 2005)

The Piedmont Club (2005 – present)

Spartanburg Area Mental Health Center
Board of Trustees (1993 – 2001)

Spartanburg Metro YMCA
Board Member (1994 – 1999)
Member (1984 – 2000)
President (1998 – 1999)

Spartanburg Breakfast Optimist Club

Board Member (1988 – 1990)
Member (1986 – present)
President (1990 – 1991)

Spartanburg Interfaith Hospitality Network
Board Member (2011 – present)
President (2015 – 2016)
Volunteer (2006 – present)
Treasurer (2017)

Spartanburg Regional Health System Hospice
Board Member (1992 – 1998)
President (1996 – 1997)

Zion Hill Baptist Church
Deacon (approximately 1984 – 1987)
Member (1966 – 1989)

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.

It is my understanding that Masonic Lodge membership is limited to men (or was at the time I joined), but there is a related organization for women that participates in both independent and joint events. Despite maintaining a membership, I was not active in this organization after my initiation. At the time I joined the Breakfast Optimist Club in 1986, there were no female members, although I am not aware of any formal restriction. In any event, during my membership a number of women were recruited as members and I actively supported those efforts. To my knowledge, none of the other organizations discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implications 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.

In February 2017, I authored a brief article on the Social Principles of the United Methodist Church, which was published in the newsletter and/or bulletin of Central United Methodist Church, Spartanburg, South Carolina. Copy supplied.

I edited my attorney profile on my firm website. Copy supplied.

Letter to the Editor: Ritchie's High Rating, Herald Journal (Spartanburg, SC), June 13, 2002. Copy supplied.

In 1996 or 1997, I authored a Chairman's column in the Spartanburg Regional Hospice newsletter on one or more occasions. To the best of my knowledge there are no available copies of this material today.

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.

In May 2012, I assisted with the preparation of the External Communication Policy and Plan for the Spartanburg Interfaith Hospitality Network. Copy supplied.

Around July 1, 2009, I assisted with revisions to by-laws of non-profit organizations while serving on their boards. I specifically recall doing so for the Children's Shelter of the Upstate, now known as the Hope Center for Children. 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.

June 21, 2016: Hearing testimony before the Senate Judiciary Committee. Video is available at: https://www.judiciary.senate.gov/meetings/06/21/2016/nominations. Copies of my written responses submitted to questions for the record from Senator Grassley and Senator Tillis are supplied.

November 20, 2007: Testimony at a Spartanburg County Public Works hearing, regarding the extension of Cherry Hill Road and the closure of the Old Converse Road railroad bridge. I have no notes, transcript or recording, however, press coverage is supplied.

January 5, 2004: Letter to the Campobello Town Clerk. 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.

April 30, 2017: Speaker, Fifth Sunday Speaker Series on Church and Society, Central United Methodist Church, Spartanburg, South Carolina. I introduced the principal speaker, Ms. Beth Rutherford, Executive Director of the Spartanburg Interfaith Hospitality Network (SPIHN), who spoke on issues related to homelessness in the Spartanburg community. I have no notes, transcript or recording. The address of Central United Methodist Church is 233 North Church Street, Spartanburg, South Carolina 29306.

October 30, 2016: Speaker, Fifth Sunday Speaker Series on Church and Society, Central United Methodist Church, Spartanburg, South Carolina. I introduced the principal speaker, Police Chief Alonzo Thompson of the Spartanburg City Police Department, who spoke on the tensions between law enforcement and the African-American community and the steps being taken in Spartanburg to defuse those tensions. I have no notes, transcript or recording. The address of Central United Methodist Church is 233 North Church Street, Spartanburg, South Carolina 29306.

November 22, 2015: Speaker, "Advance Directives" Presentation to the Upper Room Sunday School Class, Central United Methodist Church, Spartanburg, South Carolina. Outline supplied.

November 2, 2015: Speaker, "Human Resource Law: What You Need to Know Now," National Business Institute, Greenville, South Carolina. Handout and outline supplied.

October 15, 2015: Speaker, "The Law School for Non-Lawyers – Employment Law," South Carolina Bar, Columbia, South Carolina. Outline supplied.

October 4, 2015: Speaker, "Zion Hill Memories," Zion Hill Baptist Church, Spartanburg, South Carolina. Outline supplied.

May 12, 2015: Speaker, "Respect for Law" Program, Spartanburg Breakfast Optimist Club, Spartanburg, South Carolina. I spoke briefly in response to my being recognized for many years coordinating the event. I have no notes, transcript or recording. The address of the Spartanburg Breakfast Optimist Club

is 590 Foster Mill Road, Spartanburg, South Carolina 29302.

May 8, 2015: Speaker, "How Young Lawyers Can Build Effective Work Relationships with Staff," The Business of Being a Lawyer Seminar, Young Lawyers Division of the South Carolina Bar, Columbia, South Carolina. Outline supplied.

April 16, 2015: Speaker, Award Luncheon for Volunteers, Mary Black Hospital, Spartanburg, South Carolina. Outline supplied.

March 5, 2015: Speaker, Annual Fundraiser Dinner, Spartanburg Interfaith Hospitality Network, Spartanburg, South Carolina. I gave the introduction of the featured speaker, Wofford College football coach Mike Ayers. I have no notes, transcript or recording. The address for the Spartanburg Interfaith Hospitality Network is 899 South Pine Street, Spartanburg, South Carolina 29302.

Approximately 1995 – 2000 and 2005 – 2014: Speaker, Respect for Law Program, Spartanburg Breakfast Optimist Club, Spartanburg, South Carolina. I made prepared remarks at each of these programs about the rule of law and the debt we owe to those sworn to uphold it, and I coordinated the program schedule with local law enforcement agencies. I have no notes, transcripts or recordings. The address of the Spartanburg Breakfast Optimist Club is 590 Foster Mill Road, Spartanburg, South Carolina 29302.

December 18, 2012: Speaker, "Applying the Rules of Evidence: What Every Attorney Needs to Know," National Business Institute, Greenville, South Carolina. I spoke about hearsay objections and exceptions and witnesses. I have no notes, transcript or recording. The address of the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

October 14, 2012: Speaker, "Faith: The Final Frontier," Central United Methodist Church, Spartanburg, South Carolina. Outline supplied.

September 11, 2012: Speaker, Eulogy of Attorney Danny Allen, St. James United Methodist Church, Spartanburg, South Carolina. Outline supplied.

December 14, 2011: Speaker, "Applying the Rules of Evidence: What Every Attorney Needs to Know," National Business Institute, Greenville, South Carolina. I spoke about hearsay objections and exceptions and witnesses, using materials written by Richard H. Willis. I have no notes, transcript or recording. The address of the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

October 20, 2010: Speaker, "Legal Clinics Seminar – Tort Law," South Carolina Bar, Columbia, South Carolina. I spoke about basic concepts of tort law in South Carolina. I have no notes, transcript or recording. The address of the South

Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

October 7, 2010: Speaker, "Legal Clinics Seminar – Employment Law," South Carolina Bar, Columbia, South Carolina. I spoke about basic employment law concepts under state and federal law. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

September 30, 2010: Speaker, "Legal Clinics Seminar – Employment Law," South Carolina Bar, Columbia, South Carolina. I spoke about basic employment law concepts under state and federal law. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

May 27, 2010: Speaker, "Law School for Non-Lawyers – Tort Law," South Carolina Bar, Columbia, South Carolina. Outline supplied.

May 13, 2010: Speaker, "Law School for Non-Lawyers – Tort Law," South Carolina Bar, Columbia, South Carolina. I used the same outline provided for the May 27, 2010 event.

March 25, 2010: Speaker, "Evidence and Expert Testimony Best Practices: Supporting your Case, Getting Scientific, and Expert Testimony Admitted into Evidence," National Business Institute, Greenville, South Carolina. Handout supplied.

January 14, 2010: Speaker, "How to Protect Yourself in Today's Workplace," Spartanburg Chapter of the International Association of Administrative Professionals, Spartanburg, South Carolina. Outline supplied.

December 11, 2008: Speaker, "Plaintiff's Personal Injury from Start to Finish," National Business Institute, Greenville, South Carolina. Outline supplied.

April 10, 2008: Speaker, "Law School for Non-Lawyers – Employment Law Section," South Carolina Bar, Columbia, South Carolina. I spoke about basic employment law concepts under state and federal law. I have no notes, transcript or recording. The address of Spartanburg Community College is 107 Community College Drive, Spartanburg, South Carolina 29303.

November 29, 2007: Speaker, "Advanced Discovery and Evidence," National Business Institute, Greenville, South Carolina. I spoke about the scope and limitations of discovery and discovery best practices. I have no notes, transcript or recording. The address of the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

September 26, 2007: Speaker, "How to Avoid the Most Common Mistakes Made

by New Attorneys," National Business Institute, Greenville, South Carolina. Outline supplied.

October 15, 2006: Speaker, "A Case for Stewardship," Central United Methodist Church, Spartanburg, South Carolina. Outline supplied.

October 15, 2005: Judge, Regional Mock Trial Tournament, University of South Carolina – Upstate, Spartanburg, South Carolina. I judged a student mock trial competition and provided feedback. I have no notes, transcript or recording. The address of University of South Carolina – Upstate is 800 University Way, Spartanburg, South Carolina 29303.

October 2004: Judge, Middle School Mock Trial Regional Competition, South Carolina Bar, Columbia, South Carolina. I judged a student mock trial competition and provided feedback. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 29201.

October 17, 2003: Judge, Invitational Mock Trial Tournament, University of South Carolina – Upstate, Spartanburg, South Carolina. I judged a student mock trial competition and provided feedback. I have no notes, transcript or recording. The address of University of South Carolina – Upstate is 800 University Way, Spartanburg, South Carolina 29303.

October 17, 2002: Speaker, "An Overview of Employment Law in South Carolina," Employment Law Clinic, South Carolina Bar, Spartanburg, South Carolina. Outline supplied.

April 20, 1999: Speaker, Horizon Employer of the Year Award Acceptance Speech, Fifth Annual Celebrity Luncheon, Carolina Counseling, Inc., Spartanburg, South Carolina. I spoke briefly expressing my appreciation for the award and emphasizing the need to give back to the community through volunteer service. I have no notes, transcript or recording, but press coverage is supplied. The address of Carolina Counseling, Inc., is 900 Copperfield Boulevard, Concord, North Carolina 28025.

1983: Speaker, Labor and Employment Law Section Meeting, South Carolina Bar, Savannah, Georgia. I and the other members of the Robert Wagner Labor Law Moot Court team were invited to speak about our moot court experience after participating in a competition at the Second Circuit Court of Appeals. I have no notes, transcript or recording. The address of the South Carolina Bar is 950 Taylor Street, Columbia, South Carolina 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.

2013 – 2016: For more than two years our firm was in a partnership with WSPA TV, the local CBS affiliate, as a primary sponsor of their Caring for the Carolinas program. As a sponsor, one of our duties was to host some type of community activity often involving fundraising for a worthy cause. On such days, WSPA would have live broadcasts from our firm office and would interview one of our attorneys in each segment. I was interviewed for several of those. I am unable to obtain video for all such programs in which I spoke, but I am supplying a representative copy of one video that I do have.

In addition to the following, I believe that I may have appeared on camera on local news stories showing me in the courtroom or emerging from a hearing room or courthouse with my client, but I do not recall giving any interviews or statements in such instances.

Daniel J. Gross, *Complaints Lodged Against Now-Closed Car Lot*, Herald Journal (Spartanburg, SC), February 11, 2017. Copy supplied.

Matthew Clark, *Experts Say There's Room for Covenants in South Carolina*, GSA Business, June 29, 2015. Copy supplied.

Greg Oliver, *City Undecided on TIF Appeal*, The Journal (Seneca, SC), May 6, 2014. Copy supplied.

Greg Oliver, *Decision Nearing on TIF Lawsuit*, The Journal (Seneca, SC), Apr. 29, 2014. Copy supplied.

Harrison, White, Smith & Coggins, P.C., About Spartan Law Firm, YouTube, Sept. 26, 2013. Video is available at: https://www.youtube.com/watch?v=5yVq10q05pc.

Greg Oliver, *Clemson Requests Summary Judgment in TIF Suit*, The Journal (Seneca, SC), Sept. 11, 2013. Copy supplied.

Sharon McCloskey, *A Game-Changing Challenge?*, South Carolina Lawyers Weekly, Dec. 30, 2011. Copy supplied.

Nate Raymond, *Judge Green-Lights AstraZeneca Suit Against South Carolina Attorney General Over Hiring of Contingency Fee Firms*, The American Lawyer, Dec. 22, 2011. Copy supplied.

Stephen Largen, *Spartanburg Judge Upholds $327 Million Verdict Against Pharmaceutical Company*, Herald Journal (Spartanburg, SC), Dec. 21, 2011. Copy supplied.

Fred Horlbeck, *South Carolina Verdict for $327 Million*, South Carolina Lawyers Weekly, June 10, 2011. Copy supplied.

Jef Feeley and Steven Church, *J&J Ordered to Pay $327 Million Over Deceptive Risperdal Marketing Claims*, Bloomberg, June 4, 2011. Copy supplied.

Lynne P. Shackleford, *Judge Orders Pharmaceutical Company to Pay $327 Million in Risperdal Case*, Herald Journal (Spartanburg, SC), June 3, 2011. Copy supplied.

Tracy Staton, *J&J Asks for "Small" Penalty in South Carolina Risperdal Case*, Bloomberg, Apr. 20, 2011. Copy supplied.

Press Release: *Childs Thrasher Joins Harrison, White, Smith & Coggins, P.C.*, Harrison, White, Smith & Coggins, P.C., Feb. 10, 2011. Copy supplied.

Dr. Julius A. Bazan's Testimony before the U.S. House Energy and Commerce Committee, ABC News, September 23, 2010. I appeared as the attorney for a witness (Dr. Julius A. Bazan) and was interviewed off-camera by an ABC News reporter after the hearing. I did not see the broadcast so I do not know if I was quoted in the story or not.

"Wants to Know: Shoplifting Paychecks," WSPA Television, Apr. 28, 2008. Transcript supplied.

White Oak Manor Settles Suit, Herald Journal (Spartanburg, SC), Oct. 16, 2007. Copy supplied.

Jason Spencer, *Two Women Accuse Inman Firefighter of Harassment*, Herald Journal (Spartanburg, SC), Oct. 4, 2006. Copy supplied.

Rachel E. Leonard, *Ex-Nursing Chief Sues White Oak Manor*, Herald Journal (Spartanburg, SC), Mar. 22, 2006. Copy supplied.

Bridget B. Winston, *Her Dream Fulfilled, Oakbrook Prep's Founder Moves On*, Herald Journal (Spartanburg, SC), May 20, 2005. Copy supplied.

Kate Marquess, *South Carolina Moves Toward Squelching Secrecy*, American Bar Association Journal, Aug. 9, 2002. Copy supplied.

Tom Langhorne, *USCS Team Argues Its Way to National Competition*, Herald Journal (Spartanburg, SC), Feb. 11, 2002. Copy supplied.

Tom Langhorne, *Fast-Food Customers Suing Over Obnoxious Help*, Herald Journal (Spartanburg, SC), Feb. 7, 2000. Copy supplied.

Tom Langhorne, *Former Chief Files Lawsuit Against Town; Questions for Duncan*, Herald Journal (Spartanburg, SC), September 9, 1999. Copy supplied.

Diane Norman, *Cherokee Man Claims Age Discrimination Against Gaffney Plant*, Herald Journal (Spartanburg, SC), Sept. 16, 1998. Copy supplied.

City: Woodruff Officer's Firing Was Legal Move, Herald Journal (Spartanburg, SC), Oct. 25, 1997. Copy supplied.

Daniel Cude, *Former Woodruff Police Officer Sues City Manager over His Firing*, Herald Journal (Spartanburg, SC), Sept. 11, 1997. Copy supplied.

Authorities Rehire Seigler as Fire Chief for Inman, Herald Journal (Spartanburg, SC), May 19, 1995. Copy supplied.

Fired Inman Community Chief to Resume Job Today, Fired Chief Might Regain Community Job in Inman, Herald Journal (Spartanburg, SC), May 18, 1995. Copy supplied.

Woman Sues Ex-Fiancé, Claiming Fraud, Deceit, Herald Journal (Spartanburg, SC), Apr. 6, 1995. Copy supplied.

Third Woman Files Suit, Woman Files Lawsuit Against Spartan Mills, Weaver Accuses Co-Workers of Sexually Harassing Her, Herald Journal (Spartanburg, SC), Dec. 30, 1993. Copy supplied.

Ex-Employees File Lawsuits on Companies, Herald Journal (Spartanburg, SC), May 1, 1993. Copy supplied.

Jury Makeup: Magistrate Court Trials Canceled, Herald Journal (Spartanburg, SC), Apr. 14, 1992. Copy supplied.

Machinery Firms in Spartanburg Plan to Merge, Herald Journal (Spartanburg, SC), Mar. 25, 1990. Copy supplied.

Testimonial for Elite Sports Amateur Golf Tour, posted on their website at www.elitegolftour.com. Copy supplied.

Testimonial for Carolina Medical-Legal Consulting, posted on their website at www.carolinamlc.com. 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.

I have never held judicial office. However, since 2003, I have served on the South

Carolina Commission on Lawyer Conduct. In the course of that service, I have served in a quasi-judicial capacity as part of a hearing panel, including three times as chairman of a panel, for formal charges of misconduct against an attorney. The role of the panel was to make a decision and recommendation to the South Carolina Supreme Court for ultimate disposition with regard to any discipline against the lawyer involved. As chairman, I was responsible for deciding motions and other pre-hearing matters, as well as presiding over the hearing itself. As a member of a hearing panel, I weighed the evidence and cast a vote during the panel deliberations.

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

   I have presided as chair of the panel over two cases to judgment and have been a member of the panel in an additional two cases. In a third case I presided over as chair, the defendant did not appear and a default judgment was issued.

   i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%
criminal proceedings:	0%

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

   None.

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) *In the Matter of Collie*, Case No. 12-CLC-007. Decision supplied.

   I served as the chair of the hearing panel in this attorney misconduct case. Respondent attorney was a practicing physician who also held a law license. The disciplinary complaint was made by the presiding judge in a case brought by respondent regarding her hospital privileges after multiple prior suits regarding the same subject matter. The judge considered the action to be frivolous in light of a full and final settlement agreement in one of the earlier cases and, thereafter, the dismissal of another identical case with a finding by that presiding judge that it was a frivolous action. The final disposition of this matter was delayed due to respondent's filing multiple identical motions during the pre-hearing process. Over a two-day hearing in August 2013, testimony was taken from multiple

witnesses. The hearing panel recommended that the respondent be disbarred, that she be ordered to pay the costs of the proceeding, and that she be required to pay restitution pursuant to the prior orders of Judges Dennis, Hughston, and Harrington.

Respondent: Pro Se

Disciplinary Counsel: Barbara M. Seymour
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-1419

(2) *In the Matter of Jacobsen*, Case No. 09-CLC-004. Decision supplied.

I served as the chair of the hearing panel in this attorney misconduct case. This matter involved a total of six disciplinary complaints against the respondent attorney. The complaints arose from respondent's failure to take adequate steps to protect his clients' interests upon his indefinite suspension from practice before the bankruptcy court. The hearing was held on August 27, 2009. Respondent did not appear and a default judgment was granted. Based upon respondent's failure to protect his clients or respond to the disciplinary charges, the hearing panel recommended that the respondent be disbarred, be ordered to pay the costs of the proceedings, and be ordered to reimburse the Lawyers' Fund for Client Protection for any amount paid to clients as a result of his misconduct.

Respondent: Pro Se

Disciplinary Counsel: Barbara M. Seymour
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-1419

(3) *In the Matter of Chellis*, Case No. 08-CLC-003. Decision supplied.

I served as the chair of the hearing panel in this attorney misconduct case. Respondent attorney was a candidate for judicial office by virtue of his application to the South Carolina Judicial Merit Selection Commission. After submitting his application, respondent authored a letter endorsing a candidate for the General Assembly. Respondent was found to have violated Rules 8.2(b) and 8.4(a) of the Rules of Professional Conduct. The matter was tried on December 2, 2008. Due to respondent's forthrightness in reporting his own conduct to the Judicial Merit Selection Commission at the time it occurred, the hearing panel recommended a Letter of Caution with a finding of minor misconduct.

Counsel for Respondent: Desa Ballard
Ballard and Watson
226 State Street
West Columbia, South Carolina 29171
803-796-9299

Disciplinary Counsel: C. Tex Davis, Jr.
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-2038

(4) *In the Matter of Defillo*, Case No. 13-CLC-010. Decision supplied.

I served as a member of the hearing panel in this attorney misconduct case. Respondent attorney was licensed in Florida, but did not hold a South Carolina license. She was served with formal charges at both her Florida office address as well as her last known South Carolina office address. The charges involved false and misleading statements regarding her South Carolina law office, its staffing, and the nature of her practice. The matter was tried on March 21, 2014. Respondent did not appear and a default judgment was granted. The hearing panel recommended that respondent be barred from admission of any kind to practice in South Carolina for a period of five years, that she be prohibited from any advertising or solicitation of clients in South Carolina for a period of five years, that she be required to pay the costs of the proceeding, and that she be required to complete the Legal Ethics and Practice Program Ethics School and Advertising School prior to admission of any kind or advertising and solicitation of any clients in the state of South Carolina.

Counsel for Respondent: None

Disciplinary Counsel: Barbara M. Seymour
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-1419

(5) *In the Matter of Crews, III*, Case Nos. 03-DE-L-1179; 04-DE-L-0891; and 04-DE-L-1301. Decision supplied.

I served as a member of the hearing panel in this attorney misconduct case. Respondent attorney was asked by members of his church to assist the complainant (an adult with diminished capacity) with his financial affairs and his deceased father's estate. Respondent attorney had himself named attorney-in-fact in a power of attorney that he prepared for complainant and commenced to handle complainant's affairs. Approximately three years later, complainant filed a

grievance alleging misuse of the power of attorney and conflicts of interest. Complainant then hired a new attorney, revoked the power of attorney to respondent, and sought an accounting of respondent's activities. When no accounting was forthcoming, an action in probate court was commenced for the appointment of a conservator and guardian by complainant's new attorney. Respondent then tried to persuade complainant to sign an affidavit absolving respondent of any liability. The matter was tried over three days from September 15 to September 17, 2008. Evidence was presented showing misconduct in respondent's handling of complainant's finances and real estate. The hearing panel recommended that the respondent be disbarred, be required to pay the costs of the proceedings, and be required to pay restitution in specified amounts.

Counsel for Respondent: Joshua S. Kendrick
Kendrick & Leonard, P.C.
419 Vardry Street
Greenville, South Carolina 29601
864-760-4000

Disciplinary Counsel: Lesley M. Coggiola
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-1522

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) *In the Matter of Collie*, Case No. 12-CLC-007. Decision previously supplied in response to Question 13c.

Respondent: Pro Se

Disciplinary Counsel: Barbara M. Seymour
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
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803-734-1419

(2) *In the Matter of Jacobsen*, Case No. 09-CLC-004. Decision previously supplied in response to Question 13c.

Respondent: Pro Se

Disciplinary Counsel: Barbara M. Seymour

Office of Disciplinary Counsel
1220 Senate Street, Suite 309
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803-734-1419

(3) *In the Matter of Chellis*, Case No. 08-CLC-003. Decision previously supplied in response to Question 13c.

Counsel for Respondent: Desa Ballard
Ballard and Watson
226 State Street
West Columbia, South Carolina 29171
803-796-9299

Disciplinary Counsel: C. Tex Davis, Jr.
Office of Disciplinary Counsel
1220 Senate Street, Suite 309
Columbia, South Carolina 29201
803-734-2038

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

None.

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.

None.

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.

None of the case information for matters I have handled with the Commission on Lawyer Conduct is published. With respect to filings or decisions, those documents are not retained by panel members and are available through the Commission office at 1220 Senate Street, Suite 305, Columbia, South Carolina 29201.

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.

None.

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.

None.

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.

I have never held judicial office. As indicated above, I have served in a quasi-judicial capacity as chairman of a hearing panel with the South Carolina Commission on Lawyer Conduct. In *In the Matter of Collie*, Case No. 12-CLC-007, Ms. Collie filed a motion asking me to recuse myself following the recusal of the prior panel chair, alleging that she had been denied notice and the opportunity for a hearing on motions she had previously filed, that my ruling on her request for a copy of the court reporter's audiotapes evidenced bias against her, and improper *ex parte* communications and actions reflecting a lack of impartiality (in this last regard, she confused the role of the Commission on Lawyer Conduct with that of the Office of Disciplinary Counsel.) I reviewed the claims she made against the facts as reflected by the case file and determined that the motion was without merit.

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 never run for political office. I was appointed to the board of trustees of the Spartanburg Area Mental Health Center from 1993 to 1997 by Governor Carroll Campbell, and was reappointed for another term, from 1997 to 2001, by Governor David Beasley.

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.

I have never been formally involved with a political party or campaign. I have contributed to various political candidates over the years and may have been listed as a donor or "friend" from time to time. In 1986, I put out yard signs for my law partner, Danny Smith, when he ran for the South Carolina House of Representatives. In 2008, I accompanied my teenage daughter when she volunteered for President Obama on the day of the South Carolina primary. In 2014, I put out a yard sign for my state representative, Eddie Tallon. In 2016, I made a couple of calls to personal friends and attended two or three political events for my partner, John B. White, Jr., during his campaign for the Republican nomination for South Carolina State Senate District No. 5.

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;

I did not serve as a law clerk to a judge.

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

I have never practiced law 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 – 1993
Cummings, Smith and Coggins (formerly Cummings and Smith)
(now defunct)
Spartanburg, South Carolina
Associate (1984 – 1986)

Partner (1986 – 1993)

1993 – 2000
Smith and Coggins
(now defunct)
Spartanburg, South Carolina
Partner

1999 – present
King Street Associates, LLC
178 West Main Street
Spartanburg, South Carolina 29306
Member

2000 – present
Harrison, White, Smith & Coggins, P.C. (formerly Harrison, White, Smith & Coggins, P.C.)
178 West Main Street
Spartanburg, South Carolina 29306
Attorney-Shareholder (2000 – present)
Managing Shareholder (2010 – 2013)

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 served as a civil court mediator at the request of counsel for the parties on approximately eight to ten occasions over the last decade. The types of cases I have mediated include personal injury claims, contract actions, construction disputes, and employment cases under both federal and state law. I have not kept detailed records of these cases, but I list details for three cases that I can recall.

Craft Construction Co., et al. v. Pendleton Station, LLC, et al., Case Nos. 2007-CP-04-2784, 2007-CP-04-2785 & 2007-CP-04-2786. This case was a mechanics lien and breach of contract matter involving contractors and materialmen who were unpaid on a failed apartment complex project. This case settled at mediation.

Smith v. Daimler Trucks, NA, LLC, et al., C.A. No. 7:14-cv-02058-BHH-KFM. This case was an employment discrimination claim by a terminated employee against her former employer based upon race discrimination and retaliation. This case did not settle at mediation.

Sunbelt Management Group, Inc., et al. v. Staiger, et al., Case No. 2012-CP-42-1227. This case was a business contract matter involving

allegations of violation of a non-compete agreement, breach of fiduciary duties, and unauthorized appropriation of trade secrets. The case settled as a result of mediation.

b. Describe:

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

In the first ten years of my practice, I handled numerous family court matters and some criminal cases in state court. My current practice is predominantly a general civil litigation practice in the federal and state courts of South Carolina. It is almost entirely trial work. In addition to litigation, I also assist clients with business and contract matters, primarily as related to employment law. I represent both employers and employees in employment discrimination matters before the U.S. Equal Employment Opportunity Commission and the State Human Affairs Commission. I represent physicians and other professionals on licensing and ethical complaints before the South Carolina Department of Labor, Licensing, and Regulation. I also represent the South Carolina Department of Transportation and the Spartanburg Sanitary Sewer District on eminent domain related matters.

Personal injury work constitutes approximately 40-50% of my current practice. Of those cases, including professional negligence and product liability cases, I represent plaintiffs more than 90% of the time. On business and employment litigation, which constitutes approximately 30% of my current practice, the split between plaintiff and defendant is closer to 60-40. In recent years, I have also been part of a consortium of lawyers hired by the last two Attorney Generals of South Carolina to represent the state in consumer protection claims against several large pharmaceutical companies, a mass mail marketer, and the financial rating industry.

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

The vast majority of my clients have been individuals or small business owners. My clients have included individuals injured by motor vehicle collisions, falls, medical negligence, and defective products; employees who were victims of discrimination, retaliation, and breach of contract; doctors and other professionals who were facing disciplinary action against their licenses; business executives and doctors in need of assistance with employment contracts or severance agreements; businesses and medical practices facing EEOC claims or lawsuits by employees; businessmen facing claims or lawsuits by their partner(s) or third parties; local non-profits needing assistance with legal forms and operational

documents; and the State of South Carolina through the Attorney General's Office and the Department of Transportation. In the last ten years, I have also served as local counsel for numerous business litigation clients in commercial cases of one kind or another. During the late 1980s and early 1990s, I served as the municipal attorney for the Town of Campobello, South Carolina. I have also represented corporations and political subdivisions of the State of South Carolina.

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.

Early in my career, I worked in a small general practice firm providing a variety of services, with litigation constituting approximately 60% of that practice. For the last 20 to 25 years, I would estimate that litigation has constituted 90% or more of my practice. I typically appear in court on average three to four times per month. In the early years of my practice, I appeared in court more often because I was handling family court, criminal, and county magistrate's court matters.

i. Indicate the percentage of your practice in:
   1. federal courts: 30%
   2. state courts of record: 63%
   3. other courts: 2%
   4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 100%
   2. criminal proceedings: 0%

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 estimate that I have tried approximately 75 cases to verdict or final decision as either sole counsel or co-lead counsel.

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

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.

Ortho-McNeil-Janssen Pharms., Inc. v. South Carolina ex rel. Wilson, Attorney General, No. 15-600, 2015 WL 7625706 (respondent's brief in opposition to certiorari), *cert. denied*, 136 S. Ct. 824 (2016).

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) *South Carolina ex rel. Wilson v. Ortho-McNeil-Janssen Pharms., Inc.*, No. 07-CP-42-1438, 2011 WL 2185861 (S.C. Com. Pl. June 3, 2011), *aff'd in part, rev'd in part*, 777 S.E.2d 176 (S.C. 2015), *cert. denied*, 136 S. Ct. 824 (2016).

    I was one of four lead trial attorneys representing the State of South Carolina through the Office of the Attorney General. The case was brought under the South Carolina Unfair Trade Practices Act as a result of the defendant's unfair and deceptive marketing of its atypical anti-psychotic drug, Risperdal. Following a two-week trial on liability in March 2011, a favorable jury verdict was obtained. Thereafter, a penalty phase was tried to the court in April 2011, resulting in a $327 million award. The Honorable Roger L. Couch in the Spartanburg County Court of Common Pleas presided over all matters relating to the case through the final award. Upon appeal to the South Carolina Supreme Court, the award was ultimately reduced to $124 million. The United States Supreme Court denied defendant's petition for certiorari on January 11, 2016.

    My involvement in this representation began shortly before the filing of the case in 2007. During the pre-trial discovery phase, I was responsible for taking and defending numerous depositions across the country as well as arguing some of the many pre-trial motions. I made the opening statement and examined and cross-examined witnesses in the liability phase of the trial. I was primarily responsible for presenting the State's case at the penalty phase, and I assisted co-counsel John Simmons with the appellate argument before the South Carolina Supreme Court.

    Date of Representation: 2007 – 2016

    Co-counsel for Plaintiff State of South Carolina:

John B. White, Jr.
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C. Havird Jones, Jr.
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Counsel for Defendants:

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Thomas F. Campion
Kenneth A. Murphy
Edward M. Posner
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One Logan Square, Suite 2000
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215-988-2700

(2) *Bellsey v. Betras Plastics, Inc. and Betras*, No. 7:00-3882-13 (D.S.C. 2001)

At the time of this trial, it was the largest, and perhaps first, verdict obtained on behalf of an employee in South Carolina for a violation of the Family Medical Leave Act. My co-counsel, Charlie Hodge, and I represented Ms. Bellsey, who worked as the personal assistant to the owner and CEO of Betras Plastics. When Ms. Bellsey's teenage daughter was diagnosed with a blood cancer, Mr. Betras forced her to take medical leave because, he said, she needed to be with her daughter. While she was out, the company's young receptionist was trained to take her place and within weeks Ms. Bellsey was fired. The motivation became apparent when it was revealed that Betras was self-insured for its employees' medical insurance coverage.

In this case, I was primarily responsible for the paper discovery, motion practice, and mediation. I also took several of the depositions. At a three-day trial presided over by the Honorable G. Ross Anderson, Jr. in September 2001, I examined and cross-examined witnesses, made the motion arguments, and presented the initial closing argument, with Mr. Hodge handling the reply.

Date of Representation: 2000 – 2001

Co-counsel for Plaintiff:

Charles J. Hodge
Hodge & Langley Law Firm
229 Magnolia Street
Spartanburg, South Carolina 29306
864-585-3873

Counsel for Defendants:

Kevin W. Sturm
Sturm & Cont, P.A. (formerly at Ford and Harrison)
159 Hall Street
Spartanburg, South Carolina 29302
864-580-2020

(3) *Mabry v. MEMC Electronic Materials, Inc. and Kirkley*, No. 7:95-2265-20 (D.S.C. 1995)

My client in this case was Ms. Mabry, a computer data specialist at the MEMC plant in South Carolina. Her employer held a mandatory team building exercise at a woodland ropes course. Ms. Mabry suffered from a severe allergy to poison ivy, and when she refused to participate due to her fear of exposure to poison ivy, she was fired.

This case was unique in that we used the Occupational Safety and Health Administration regulation (requiring employers to provide a safe workplace for

their employees) to bring this wrongful termination action pursuant to the South Carolina law which prohibits terminations in violation of a clear mandate of public policy. After a hearing, during which Judge G. Ross Anderson, Jr. denied the defendants' motion for summary judgment, we were able to negotiate a satisfactory settlement for Ms. Mabry and her family. I handled all aspects of this case from initial investigation to final settlement.

Date of Representation: 1995

Counsel for Defendants:

Fred W. Suggs, Jr.
Ogletree Deakins
The Ogletree Building
300 North Main Street
Greenville, South Carolina 29601
864-271-1300

(4) *Pickens County and School District of Pickens County v. City of Clemson*, No. 2012-CP-39-743 (Pickens Cty. Ct. Com. Pl. 2014)

This was a case of first impression in South Carolina involving the interpretation of various provisions of the state's tax increment financing (TIF) law. Basically, the TIF statute allows municipalities to designate certain blighted or threatened areas as redevelopment zones. Then, during the term of the TIF redevelopment program, the incremental increase in tax revenues from those areas is paid over by the county treasurer to the municipality to fund its redevelopment projects. There are notice requirements in the statute for the projects to be funded and a provision for refunding to the county any surplus funds every year once the planned projects are funded.

In 2012, I was retained by Pickens County to bring an action, together with the county school district, to recover surplus funds that had not been refunded by the City of Clemson and to prevent the City from using funds in the remaining years of its TIF program on unapproved new projects. With the assistance of my associate and counsel for the school district, I was responsible for the pleadings, discovery, briefs, and the proposed order, which Judge Edward W. Miller adopted and signed following a February 2014 hearing on cross-motions for summary judgment. I also took the lead on all depositions and courtroom arguments throughout the litigation.

While there had been numerous disputes across the state regarding the application of these statutory provisions to various municipal TIF programs, we could not find where these questions had ever reached a court for decision. Accordingly, Judge Miller's order provides needed guidance to counties, school districts, and municipalities as to the application of the statute. These parties were ultimately

able to resolve their differences based upon the order and without further appeal.

Date of Representation: 2012 – 2015

Co-counsel for Plaintiff Pickens County:

Marghretta Hagood Shisko
Harrison, White, Smith & Coggins, PC
178 West Main Street
Spartanburg, South Carolina 29306
864-585-5100

Counsel for Plaintiff School District of Pickens County:

William F. Halligan
Keith R. Powell
Childs & Halligan, P.A.
The Tower at 1301 Gervais Street, Suite 900
Columbia, South Carolina 29211
803-254-4035

Counsel for Defendant:

Frank H. Gibbes, III
Gibbes Burton, LLC
308 East St. John Street
Spartanburg, South Carolina 29302
864-327-5000

(5) *Trilegiant Corp. and Affinion Group, Inc. v. South Carolina ex rel. McMaster*, No. 2010-CP-40-07203; *South Carolina ex rel. McMaster v. Trilegiant Cor., Affinion Group, Inc.; and Lipman*, No. 2010-CP-42-6686 (Richland Cty. Ct. Com. Pl. 2013)

These related cases, as well as additional ancillary filings, arose out of a 2010 investigation by the South Carolina Attorney General's Office into the marketing of discount club memberships by Trilegiant and Affinion. The companies came under scrutiny by several state Attorneys General for their use of "live check" and "negative option" internet marketing practices. The "live check" is a check mailed out to consumers that when cashed obligates the consumer to membership in a discount club. Under the "negative option" practice, when a consumer makes an online purchase, the discount club membership is automatically charged to the consumer's credit card unless he or she notices the place to click to decline the membership during the checkout process. Once enrolled this way, the consumer's credit card is automatically charged for the membership fee each month. Generally, the monthly charge is modest enough that many consumers do not

notice it for months. At the time, the impact on South Carolina consumers was estimated to be over 400,000 enrollees with charges of over $20 million.

After initial legal skirmishes involving pleading and motion practice, including at least one hearing before Judge J. Mark Hayes II and a conference with Judge James R. Barber III, the parties began a laborious negotiation that ultimately ended in a global settlement. During that months-long process, John Simmons and myself were the principal negotiators for the State, with Jim Lehman and Dwight Drake as the principal negotiators for the companies. Among the many items we dealt with were: (1) a litigation stand-down agreement of all filings to give time for negotiation; (2) identification of affected consumers and a protocol for reimbursement; (3) selection of and methodology for a third-party administrator (Rust Consulting Co.) of the claim facility; (4) content and method of notice to South Carolina consumers; (5) terms of the escrow agreement to fund the claim facility; (6) an assurance of discontinuance and voluntary compliance agreement with the South Carolina Attorney General's Office; (7) rescission of the statutory notice letters to individual defendants; and (8) coordination with multi-state settlement negotiations. While this matter did not result in a trial, the two-year process to deal with these complex issues so as to provide adequate relief to South Carolina consumers made this litigation more demanding than many cases I have tried to verdict.

Date of Representation: 2010 – 2013

Counsel for Trilegiant Corporation, Inc. et al.:

David H. Wilkins
James K. Lehman
Cory E. Manning
Dwight F. Drake
Nelson, Mullins, Riley and Scarborough LLP
Meridian, 17th Floor
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803-799-2000

Co-counsel for the State:

C. Havird Jones, Jr.
J. Emory Smith
Henry McMaster
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Columbia, South Carolina 29201
803-734-3654

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864-585-5100

John S. Simmons
Simmons Law Firm, LLC
1711 Pickens Street
Columbia, South Carolina 29202
803-779-4600

(6) *Easler v. Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Regional Medical Center, Kurkjian, M.D., Upstate Carolina Radiology, P.A., and Paladugu, M.D.,* No. 2011-CP-42-2840 (Spartanburg Cty. Ct. Com. Pl. 2015)

This was a medical malpractice case arising out of a failure to appropriately diagnose and treat mesenteric ischemia over a two-week hospitalization. The case is significant in two respects. First, the $2 million verdict is one of the largest medical malpractice verdicts ever obtained in the Upstate. Second, and more importantly, it was revealed during the trial from August 11 to 18, 2014, that the electronic medical record used by Spartanburg Medical Center does not allow the physicians to access the nursing notes made and entered each shift. In this case, it could possibly have made a significant difference in the timeliness of the diagnosis if that information had been reviewed by the physicians earlier in Mrs. Easler's hospital stay.

I was lead trial counsel in this case. I handled the pleadings, motion arguments, and majority of the depositions during the pre-trial process. At trial, I made the opening statement and the closing arguments. I also handled the direct and cross-examinations of all expert witnesses, and I argued all trial motions.

Date of Representation: 2009 – 2014

Co-counsel for Plaintiff:

Wes A. Kissinger
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178 West Main Street
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864-585-5100

Counsel for Defendants:

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William C. McDow (for Kurkjian, MD and Upstate Carolina Radiology, P.A.)
Richardson Plowden & Robinson, P.A.
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803-576-3179

Gary Lovell, Jr.
Jeffrey M. Crudup (for Paladugu, M.D.)
Carlock Copeland & Stair LLP
40 Calhoun Street, Suite 400
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843-266-8213

(7) *Lowery as guardian ad litem for Atkinson, an incapacitated adult v. Woodfield, M.D., Spratt, M.D., and Roper St. Francis Healthcare*, No. 2007-CP-10-5091 (Charleston Cty. Ct. Com. Pl. 2012)

This was an unfortunate case involving woman who suffered a catastrophic neurological injury as a result of a condition known as thyroid storm, which occurred following cardiac surgery. Ms. Atkinson was unable to move any part of her body below her eyes and was completely dependent upon family and paid caregivers. Approximately one year after the initial filing of the lawsuit, Ms. Atkinson died due to a mucous plug which occurred as a result of her prolonged use of a ventilator. I was associated by her attorney, Geoff Waggoner, to assist in the litigation and trial of the case. I was involved in drafting the pleadings, the discovery requests, and all other legal filings. I handled many of the discovery depositions of both lay and expert witnesses and participated in both attempted mediations of the case. I also argued all motions and was prepared to begin the trial of the case before Judge R. Markley Dennis, Jr. The case settled against defendant Roper St. Francis Healthcare following jury selection in April 2012. The claims against Drs. Woodfield and Spratt had been resolved earlier at the second of the two mediations in the case. This was a complicated medical malpractice action involving multiple experts in multiple fields due to the poorly understood connection between thyroid storm and the constellation of significant medical conditions that it can cause.

Date of Representation: 2007 – 2012

<u>Co-counsel for Plaintiff</u>:

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Counsel for Defendants:

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843-576-2806

M. Dawes Cooke, Jr. (for Spratt, M.D.)
Barnwell Whaley Patterson and Helms, LLC
288 Meeting Street, Suite 200
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843-577-7700

Joseph John Tierney, Jr. (for Roper St. Francis Healthcare)
Young Clement Rivers
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Charleston, South Carolina 29401
843-577-4000

Mediator:

Wade H. Logan, III
Buist Byars and Taylor, LLC
652 Coleman Boulevard, Suite 200
Mt. Pleasant, South Carolina 29464
843-856-4488

(8) *Cenveo Corporation d/b/a Cadmus Whitehall Group v. Copac Global Packaging, Inc., et al.*, No. 2011-CP-42-2096 (Spartanburg Cty. Ct. Com. Pl. 2014)

This case involved a claim by a large packaging company against a competitor and several of its former executives who had gone to work for that competitor. The claims involved disclosure of trade secrets, unfair competition, and violation of contractual restrictions, among others. Although the case was originally filed in 2011, I was hired to be local lead trial counsel for the plaintiff in Spring 2014, with trial scheduled for October 2014 before the Honorable J. Derham Cole. Following my review of depositions and other discovery materials, I was asked to attend and participate in negotiations at the mediation conference held in July

2014. Although no settlement was reached at the mediation, I continued to lead the negotiations on behalf of the plaintiff with the mediator and lead counsel for the defendants, Kevin Dunlap. Ultimately, after weeks of intense negotiation, a confidential settlement was reached in September 2014.

Date of Representation: 2014

Co-counsel for Plaintiff:

Shari M. Goodstein
Shipman & Goodwin
Counselors at Law
300 Atlantic Street, Third Floor
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203-324-8161

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315 Union Street, Suite 1100
Nashville, Tennessee 37201
615-726-5427

D. Alan Lazenby
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864-804-5050

Counsel for Defendants:

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864-253-6105

Shane W. Rogers
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Spartanburg, South Carolina 29306
864-582-8121

John Elliott Rogers, II
The Ward Law Firm, P.A.
233 South Pine Street
Spartanburg, South Carolina 29302

864-573-8500

Mediator:

Thomas W. Traxler
Carter, Smith, Merriam, Rogers & Traxler, P.A.
900 East North Street
Greenville, South Carolina 29601
864-242-3566

(9) *A. Honkan, guardian ad litem for V. Honkan, a minor under the age of fourteen years v. Floyd and Beasley Transfer Co.*, No. 7:91-cv-03262-HMH (D.S.C. 1992)

This is a case that I handled with my law partner, Danny Smith, involving a young boy of Indian descent who was a resident of Jamaica and came to the United States to visit his mother. The family was traveling on Interstate Highway 85 when a Floyd and Beasley tractor trailer changed lanes, forcing their vehicle off the road and causing it to flip several times. The boy was thrown from the vehicle and suffered a severe traumatic brain injury that required extensive medical treatment over many months and resulted in his need for specialized care for the rest of his life. The case was unique in that it involved issues related to immigration and foreign nationals as well as complicated medical testimony related to the nature and extent of the damage caused by the boy's brain injury. I was responsible for drafting and filing of all pleadings, discovery, briefs, and pre-trial disclosures. I also was responsible for working with the boy's medical team at Scottish Rite Children's Hospital as well as his teachers at Stone Mountain Elementary School to develop the data necessary for his life care plan. I argued the motions in the case, made the opening statement in the case at the trial before Judge Henry M. Herlong, Jr. in November 1992, and questioned several of the witnesses in the plaintiff's case. The case settled on the fourth day of trial, shortly after the close of the plaintiff's case.

Date of Representation: 1990 – 1992

Co-counsel for Plaintiff:

Danny R. Smith
Harrison, White, Smith & Coggins, P.C.
178 West Main Street
Spartanburg, South Carolina 29306
864-585-5100

Counsel for Defendant:

William U. Gunn

Holcombe Bomar P.A.
100 Dunbar Street, Suite 200
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864-594-5300

(10) *Dialysis Clinic, Inc. v. Murdock, M.D., Knoy, M.D., Subramaniam, M.D., Jones, Foothills Nephrology, P.C., American Renal Associates, Inc. and Carolina Dialysis, LLC*, No. C.A. No. 7:06-1737-HFF (D.S.C. 2008)

This was a complicated commercial case involving multiple parties. The plaintiff, a large national provider of dialysis services, sued a local nephrology practice, its three physicians, a physician's assistant, and a competitor dialysis clinic chain on a variety of theories when one of the physicians sought to leave the plaintiff and begin providing medical services for the competitor dialysis clinic's new start-up. I was lead counsel for the nephrology group, its senior physician, and the physician's assistant. The case involved significant discovery issues related to electronically stored information and allegations of spoliation related to deletion of e-mails and other documents from the medical practice computers. I handled all facets of the representation for my clients including responding to injunctive relief, and preparation and filing of pleadings, discovery requests, and memoranda. I handled all depositions and hearings in the case. The case ultimately settled prior to trial before Judge Henry F. Floyd and, following the initial settlement, I then handled my physician client's winding up of his contractual duties as medical director for the plaintiff as well as the arbitration and settlement of claims under that contract.

Date of Representation: 2006 – 2008

Counsel for Plaintiffs:

Floyd Matlock Elliott
Haynsworth Sinkler Boyd, P.A.
One North Main, Second Floor
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864-240-3240

Susan A. Yohe
Buchanan Ingersoll Rooney, P.C.
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412-562-8800

Pamela A. McCallum (current business information unavailable)

Counsel for Co-Defendants:

William A. Coates
D. Randle Moody, II (for Knoy, M.D. and Subramaniam, M.D.)
Roe Cassidy Coates & Price, P.A.
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864-349-2600

Thomas W. Traxler (for American Renal Associates and Carolina Dialysis, LLC)
Carter, Smith, Merriam, Rogers & Traxler, P.A.
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Greenville, South Carolina 29601
864-242-3566

John E. Stephenson, Jr. (for American Renal Associates and Carolina Dialysis, LLC)
Alston & Bird, LLP
One Atlantic Center
1201 West Peachtree Street, Suite 4900
Atlanta, Georgia 30309
404-881-7000

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.)

In addition to the civil actions, mediations, and attorney conduct matters described above, I also have experience in several other administrative or investigative areas of practice. From 1996 until 2003, I was appointed as an attorney to assist the Office of Disciplinary Counsel for the State of South Carolina. In connection with this appointment, I investigated a number of ethical complaints against lawyers by reviewing file documents, interviewing witnesses, reviewing exhibits, and interviewing the attorney involved. Once my investigation was complete, I would write a detailed report, attaching all relevant documents and exhibits, and forward the package to Disciplinary Counsel. This initial phase of the process is deemed confidential in South Carolina.

I have also represented a number of professionals before their respective licensing boards involving allegations of misconduct or violation of an applicable statute or regulation. These cases have included doctors, nurses, chiropractors and, I believe, one dentist. Most of these matters were resolved on a confidential basis.

On at least two occasions, I have been hired by counsel to conduct an independent investigation regarding allegations of inappropriate conduct (sexual harassment) in a

professional practice or business. I specifically recall doing such an investigation for counsel for a local physician practice as well as counsel for a small family business. In both cases, I interviewed witnesses, reviewed any corroborating documents or other evidence and then made a final confidential report to the attorneys who had engaged my services.

I have also represented a number of medical professionals with respect to the negotiation of contracts with hospitals and/or their physician networks. These matters included negotiation and participation in drafting of physician employment contracts and compensation schedules. I have also represented physicians with respect to litigation or threatened litigation over the enforceability of non-compete agreements when these doctors were changing practices or physician networks.

During my practice, I have also represented the South Carolina Department of Transportation and the Spartanburg Sanitary Sewer District in right-of-way condemnation matters. I would estimate that I have handled between 30 and 40 such matters during my career, with approximately eight to ten of those going to trial, where I was either sole or lead trial counsel.

I have also been active with my local Spartanburg County Bar Association throughout my career. In addition to general committee appointments, I have been individually responsible for a couple of projects. For example, in 2015, at the request of Circuit Judge R. Keith Kelly and the Common Pleas Committee, I drafted an initial scheduling order form to be used in the Court of Common Pleas which was modeled on the Initial Conference and Scheduling Order issued in cases in the United States District Court.

Finally, while serving as attorney for the Town of Campobello, South Carolina, I also prosecuted all offenses occurring within the Town limits and assisted the Town Council in an annexation process to expand the Town limits.

I have never served 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.

I currently hold a 13.076% equity interest in my law firm as well as a 25% equity interest in the limited liability company which owns our office building and grounds. It is agreed that I will be paid for my interest in the law firm or that interest will be otherwise extinguished during 2017 in the event of my successful nomination and confirmation to this position. At this time, I have no plans to divest myself from my equity interest in the limited liability company which owns the office building and grounds. It is understood that my continuing interest in this entity would disqualify me from hearing any matter involving that entity, the other members of the LLC, the members of my law firm or any future tenant which might occupy the building while I am still an owner. There are no plans to defer any part of any payment for my interest in the law firm beyond 2017. Otherwise, I am neither aware of, nor eligible for, receipts from any deferred income arrangements, stock, options, uncompleted contracts or other future benefits which I expect to derive from existing or previous relationships, other than retirement proceeds from my 401(k) plan with my current employer.

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.

    I have no plans, commitments or agreements to pursue any outside employment if confirmed.

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.

       If confirmed, I would recuse myself from any case in which I had an interest, raising an appearance of bias, or which presented a ground on which my impartiality could reasonably be questioned. I am not aware of any family member that has, or would have, a matter in the courts. If a potential conflict

arose, I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine the appropriateness of recusal. Further, I would disclose to all parties if there was any potential issue in a matter arising before me.

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

To avoid any potential conflict of interest should I be confirmed, I would consult the applicable law, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, and prepare a detailed catalog of matters, clients, and other persons to the Clerk of the Court so that I could timely review and address any potential conflicts of interest and avoid any delay in resolving the parties' dispute. I would also request and consider any factor or issue raised by counsel or the parties in any specific matter.

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 career, I have tried to be actively engaged in pro bono legal work each and every year. I have generally tried to have at least one open and active pro bono file through the South Carolina Bar Pro Bono Program at all times. I have certificates from the South Carolina Bar Pro Bono Program recognizing my service for the years 1987 through 1991 and 1993. The vast majority of my pro bono work through the South Carolina Bar has been in the areas of family court and landlord-tenant matters. I recently served as a guardian ad litem for the child in a pro bono adoption. I have previously represented clients in divorces, custody cases, adoptions, child removal cases, and termination of parental rights cases. I have also represented clients in rent disputes and eviction actions. In addition to work done through the South Carolina Bar Pro Bono Program, I also have done pro bono work for churches and other non-profit organizations as well as individuals who could not afford my fee.

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 early 2013, I was approached by my partner, John B. White, Jr., who indicated that Senator Lindsey Graham had inquired if I would have interest in a future district court vacancy. I replied that I would. On May 29, 2013, I met briefly with Senator Graham in Spartanburg. In Spring 2014, I came to understand from Senator Graham's office that I might be considered for a future vacancy. On April 6, 2015, I received a phone call from staff for Senator Tim Scott, who advised that Senator Scott had been asked to consider recommending me for a judgeship. I submitted an application to Senator Scott's judicial advisory committee on April 21, 2015 and was interviewed by committee members by telephone in August 2015. I was subsequently recommended and nominated for the vacancy and appeared before the Senate Judiciary Committee at a hearing on June 21, 2016. My nomination expired before I was confirmed.

On February 27, 2017, I received a call from the office of Senator Graham to advise that he intended to resubmit my name to the White House for consideration. Since April 2017, I have been in contact with officials from the White House Counsel's Office. On May 9, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. On August 3, 2017, 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.