

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Julianna Michelle Childs

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 Judicial Center
1701 Main Street, Room 215
P.O. Box 192
Columbia, SC 29202

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

1966; Detroit, MI

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.

September 1988-December 1991, University of South Carolina School of Law
J.D., 1991

September 1989-May 1991, University of South Carolina School of Business
M. A., Personnel and Employment Relations, 1991

September 1984-May 1988, University of South Florida
B.S., Management, 1988

Cambridge University, FitzWilliam College (Study Abroad Law Program), Summer
1990; 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.

2006-present
South Carolina Judicial Department
1015 Sumter Street
Columbia, SC 29201
Circuit Court Judge

2006-present
Angus Properties, LLC
101 Devant Street, Suite 902
Fayetteville, GA 30244
President & Co-owner

2002-2006
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29201
Commissioner

2000-2002
South Carolina Department of Labor, Licensing and Regulation
110 Centerview Drive
Columbia, SC 29210
Deputy Director, Division of Labor

1997-2002
Paradise Travel, Inc.
1718 St. Julian Place
Columbia, SC 29204
President & Owner

1991-2000
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Summer Associate, 1991; Associate Attorney, 1992-1999; Partner, 2000

1989-1991
Nelson Mullins Riley & Scarborough, LLP
Meridian, 17th Floor
1320 Main Street
Columbia, SC 29201
Law Clerk

Non-employment (non-profit) affiliations:

ETV Endowment of South Carolina, Inc.
401 East Kennedy Street, Suite B-1
Spartanburg, SC 29302
Trustee, 2008-present (unpaid)

St. Martin de Porres Catholic School
2229 Hampton Street
Columbia, SC 29204
Advisory Board, 2002-present; Chair, Deacon Roland L. Thomas Memorial Scholarship
Committee, 2009; Chair, Education Endowment Committee, 1996-1997 (unpaid)

South Carolina Bar Foundation
P.O. Box 608
Columbia, SC 29202
Board of Directors, 2002-2007 (unpaid)

Midlands Authority for Conventions, Sports & Tourism
1101 Lincoln Street
Columbia, SC 29201
Board of Directors, 1999-2006; Secretary, 2003-2006 (unpaid)

Columbia Urban League, Inc.
1400 Barnwell Street
Columbia, SC 29201
Board of Directors, 2000-2004; Nominating Committee, 2003-2004; Equal Opportunity
Dinner Committee, 2001 (unpaid)

South Carolina Industry Liaison Group
c/o Wallace T. Bonaparte, President
Director, EEO/AA Compliance
Medical University of South Carolina
20 Ehrhardt Street, Unit #2
P.O. Box 250205
Charleston, SC 29425
www.scilg.com
(Because the organization does not have a physical location, the address is that of the
current president.)
Board of Directors, 1997-2002; President, 2000-2001; Second Vice-President, 1998-1999
(unpaid)

Belmont Green Homeowners Association
3937 West Buchanan Drive
Columbia, SC 29209
Past President, 1996 (unpaid)

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 never served in the military or registered 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.

South Carolina Liberty Fellowship Program, 2008-present

I'm Every Woman TrailBlazers Award, 2008

University of South Carolina Black Law Students Association Award, 2008

The State Newspaper's "Top 20 Under 40" Award, 2005

University of South Carolina School of Business Outstanding Young Alumni Award, 2000

Benjamin E. Mays Leadership Academy John F. McFadden Award, 2005

American Bar Association Young Lawyers Division Affiliate Leader Award, 2002

National Bar Association Junius W. Williams Young Lawyers Division Award, 2002

Columbia Urban League SHEROES Award, 2002

University of South Carolina Outstanding Alumni Award, 2000

American Bar Association Young Lawyers Division Star of the Quarter Award, 1999
Richland County Bar Association Civic Star Award, 1999

University of South Carolina School of Law: Compleat Lawyer Award, Silver Medallion, 1997

American Bar Association Young Lawyers Division, First Place Winner, Awards of Achievement, 1996-1997

University of South Carolina School of Law: Order of the Barristers; Associate Justice, Moot Court Team; Frederick Douglas Moot Court Team; Student Attorney General, Undergraduate Program, 1988-1991

University of South Florida Most Outstanding Graduate Award, 1988

I was also awarded various educational fellowships and scholarships to the University of South Florida, and the University of South Carolina Schools of Business and Law.

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

Presidential Appointment to Standing Committee on Constitution and By-laws, 2009–present
Presidential Appointment to Legal Opportunity Scholarship Fund Selection Committee, 2009-present
House of Delegates, 2006-present; Drafting Committee on Policies and Procedures, 2008-present
National Conference of State Trial Judges, 2007-present
Judicial Division, 2006-present
Fellow, 2001-present
Nominating Committee, 2008
Direct Women Project, 2008
Government and Public Sector Division, 2004-present
Presidential Appointment as Commissioner, Commission on Mental and Physical Disabilities, 2003-2006
Young Lawyers Division Liaison, Commission on Racial and Ethnic Diversity, 2002-2003
Fellow, Labor and Employment Law Section, Equal Employment Opportunity Committee, 2001-2003
Chair, Minorities in the Profession Committee, Young Lawyers Division, 2001- 2002
Diversity Team, Young Lawyers Division, 2001-2002
Vice-Chair, Minorities in the Profession Committee, Young Lawyers Division, 2000-2001
Chair, Awards of Achievement Committee, Young Lawyers Division, 1999-2000
Beyond the Boundaries Team, Young Lawyers Division, 1998-1999
Planning Board, Minorities in the Profession Committee, Young Lawyers Division, 1997-1999
Young Lawyers Division National Conferences Team, 1997-1998

American College of Business Court Judges, 2008-present

Columbia Lawyers Association

President, 1994; Secretary, 1992-1993; Member, 1992-present

John Belton O’Neill Inn of Court

Chair, 2002-2003; Vice-Chair, 2001-2002; Program Chair, 1999-2001;
Member, 1996-present

Merit Selection Panel for United States Magistrate, United States District Court for the
District of South Carolina, 2000

National Association of Women Judges, 2009-present

National Bar Association, 2002-present

Richland County Bar Association, 1992-present

Board of Directors, Public Defender's Office, 1997-1999

Long Range Planning Committee, 1997-1999

Chair, Law Week Committee, 1995-1997

Advisory Committee, 1995-1997

South Carolina Bar, 1992-present

House of Delegates, 1996-2000, 2002-present

Faculty, Bridge the Gap Program, 2009-present

Enhancement Task Force for Young Lawyers Division, 2007-2008

Board of Governors, 2002-2004

Employment and Labor Law Section

President, 2000-2001; President-Elect, 1999-2000; Vice-Chair, 1998-
1999; Secretary-Treasurer, 1997-1998; Continuing Legal Education
program coordinator, 1996-1997; Newsletter Editor, 1995-1996

Diversity and Inclusiveness Committee, 1996

Judicial Qualifications Committee, 1996

Young Lawyers Division, Member, 1992-2002

President, 2001-2002; President-Elect, 2000-2001; Secretary-Treasurer,
1999-2000; Long Range Planning Committee, 1995-2001; Co-Chair, Time
Out for Seniors Project, 1998-1999; Youth Empowerment Summit
Committee, 1997-1998; Chair, Diversity in the Profession Committee,
1997-1998; Co-Chair, Diversity Task Force, 1996-1997

South Carolina Bar Foundation

Board of Directors, 2002-2007

South Carolina Black Lawyers Association, 1992-present

Secretary, 1995-1997

South Carolina Circuit Court Judges Association, 2006-present

Co-Chair, Spring Judicial Conference, 2009-2010

Regional Vice-Chair, 2007-2008

Planning Board, Spring Judicial Conference, 2007-2008

South Carolina Supreme Court

Associate Member, Board of Law Examiners, 2003-2006

South Carolina Women Lawyers Association, 1993-present

Board of Directors, 1999-2001

Co-Chair, Nominating Committee, 1999-2000

Planning Board for Annual Continuing Legal Education program, 1997-1998

University of South Carolina School of Law

Alumni Association Board

President, 2005-2006; Vice President, 2004-2005; Secretary, 2003-2004;

Member, 2000-2007

Nelson Mullins Riley & Scarborough, LLP Center for Professionalism

Advisory Committee, 2001-2006

Planning Board for Annual Fund Drive, 1995-1997

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 Bar, May 7, 1992

There has been no lapse in membership.

Certified by the South Carolina Supreme Court as a Specialist in Labor and Employment Law, January 11, 2000. My certification ended in 2002, because I no longer practiced law and thus could not qualify for continued certification.

- 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 District Court for the District of South Carolina, 1992

United States Court of Appeals for the Fourth Circuit, 1994

Supreme Court of the United States, 1999

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.

Benjamin E. Mays Academy for Leadership Development,
Program Coordinator, 1991-2006

Capital City Club, 2002-present

Columbia Urban League, Inc.
Board of Directors, 2000-2004; Nominating Committee, 2003-2004; Equal
Opportunity Dinner Committee, 2001

ETV Endowment of South Carolina, Inc.
Trustee, 2008-present

Midlands Authority for Conventions, Sports & Tourism
Board of Directors, 1999-2006; Secretary, 2003-2006

South Carolina Chamber of Commerce
Former Member, Minority Business Council

South Carolina Industry Liaison Group
President, 2000-2001; Vice-President, 1998-1999;
Board of Directors, 1997-2002

South Carolina Governor's Executive Institute
Student, 2001-2002

South Carolina Workers' Compensation Educational Association
Board of Directors, 2002-2006

Southern Association of Workers' Compensation Administrators
Executive Committee, 2002-2006

St. Martin de Porres Catholic School
Advisory Board, 2002-present; Chair, Deacon Roland L. Thomas Memorial
Scholarship Committee, 2009; Chair, Education Endowment Committee,
1996-1997

- 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.

I do not hold nor have I ever held membership in any organization that currently practices or formerly engaged in invidious discrimination.

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.

Articles

Passion for Fairness, Passion for Justice, printed in the South Carolina Bar Young Lawyers Division's The Bar Tab (copies of draft provided)

Lawyering into the 21st Century, printed in the American Bar Association's The Young Lawyer (copies of draft provided)

The Family and Medical Leave Act, printed in Attitudes magazine (copies of draft provided)

Chapter in Dear Sisters, Dear Daughters, printed in a publication by the American Bar Association's Commission on Women in the Profession, (2009) (copies of draft provided)

Childs Joins LLR as Deputy Director of Labor, printed in the LLR Times (June 2000) (copies provided)

YLD: Making Dreams a Reality, printed in the South Carolina Bar Young Lawyers Division's The Bar Tab (Spring 2002) (copies provided)

From the President, printed in the South Carolina Bar Young Lawyers Division's The Bar Tab (Summer 2002) (copies provided)

Revised and edited various chapters printed in the following publications: (1) "The South Carolina Employer's Legal Reference Manual" (copies provided); and (2) "The South Carolina Public Employer's Legal Reference Guide" (Center for Governance-Institute of Public Affairs)

- 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.

None.

- 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.

Copies of the relevant documents that I submitted to the South Carolina Judicial Merit Selection Commission for my appointment as a Commissioner for the South Carolina Workers' Compensation Commission in 2002 and my election and re-election to the South Carolina Circuit Court in 2006 and 2009, respectively, have been provided.

- 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.

During my employment with Nexsen Pruet, LLC (1991-2000) and the South Carolina Department of Labor, Licensing and Regulation (2000-2002), I regularly spoke to personnel management and human resource organizations as well as lectured at several Continuing Legal Education programs and seminars on a variety of employment and labor law issues. Additionally, during my tenure both as a Workers' Compensation Commissioner (2002-2006) and Circuit Court Judge (2006-present), I have participated on various panels, lectured at several Continuing Legal Education programs, and given informal talks on topics including workers' compensation, civil and criminal trial procedural and evidentiary issues, professional responsibility and ethical obligations within the legal profession, and other current topics in the Circuit Court.

The topics on which I have spoken and materials that I have been able to locate include the following:

Civil Rights Act of 1991 Update

The Family and Medical Leave Act of 1993

Basic Employment Law

At-Will Employment and Employee Contracts

The Latest Developments in Employment Discrimination and Equal Employment Opportunity Compliance

The Big Three: Workers' Compensation, Americans with Disabilities Act, Family Medical Leave Act

Sexual Harassment

Discharge and Documentation Seminar

Documentation and Discharge: The Importance of Performance Evaluations in Defending a Wrongful Termination Claim

Employment Discrimination (Federal and State Remedies)

Affirmative Action Plans

Preventing Sexual Harassment Claims

Federal Update on Employment Law

Employee Handbooks: Including Disclaimers and Acknowledgments

South Carolina Employers' Manual-Chapter on the Family and Medical Leave Act

Employment and Labor Law Update: Americans with Disabilities Act

South Carolina Employers' Legal Reference Manual-Chapters on Employment Discrimination, Employee Rights to Leave, and Regulation of Wages and Hours

Americans with Disabilities Act: "Talkin' Out of Both Sides of Your Mouth"

The First Amendment and the Public Sector Employer

The After-Acquired Evidence Doctrine

Disciplining Students with Disabilities and Due Process Hearings and Other Procedures

Legal Aspects of Personnel Management, The Disciplining of Employees, and Terminations

Racial Profiling Seminar Moderator

Investigating Sexual Harassment Claims: Role of Attorneys and Other Investigators

Federal Protection of Employment (no copy available)

Workplace Violence: Legal Considerations

Practical Suggestions for Employers Under the Civil Rights Act of 1991 (no copy available)

Speech for Legal Administrators

Slips and Falls in Workers' Compensation Cases

The Top Ten Career Tips

During the course of my legal and judicial careers, I have also spoken on the following topics:

“The Art of Billing”, August 26, 2009
Boykin & Davis Law Firm
220 Stoneridge Drive, Suite 220
Columbia, SC 29210

“Practice Before the South Carolina Circuit Court”, Bridge the Gap Program,
August 5, 2009 and March 11, 2009

“Judging the Jury-Voir Dire in South Carolina: A View from the Bench”, July 17,
2009

Issues in Workers' Compensation (Panel Discussion), July 16, 2004; May 30,
2003

Workers' Compensation Commission Update (Panel Discussion), August 26,
2005

Medicare Issues in Workers' Compensation (Panel Discussion), April 5, 2002
South Carolina Bar
950 Taylor Street
Columbia, SC 29201

“Cosmetology-From Good to Great: The Cosmetologist's Dream”, June 14, 2009
South Carolina State Cosmetology Association
1509 Fontaine Road
Columbia, SC 29223

“Celebrating Black History Month”, February 19, 2009
SRC AN Aetna Company
P.O. Box 23759
Columbia, SC 29224-3759

Gender Issues in Practicing Law (Panel Discussion), November 16, 2008
“South Carolina’s Business Courts”, July 2008
“Ask the Commissioners” (Panel Discussion), July 29, 2006; July 28, 2005; July
24, 2004; July 25, 2003
South Carolina Defense Trial Attorneys Association
1 Windsor Cove, Suite 305
Columbia, SC 29223

“The Judicial Qualifications Process” (Panel Discussion), October 2006
“Trial Strategies”, October 31, 2008
South Carolina Black Lawyers Association
736-D St. Andrews Road, #146
Columbia, SC 29210

"Criminal Law Update", September 29, 2008
“Update on Criminal Cases”, September 25, 2006
South Carolina Solicitors Association
P.O. Box 11251
Columbia, SC 29211

“Ask the Commissioners,” August 2008; August 3-4, 2007; August 4, 2006;
August 5-6, 2005; August 6-7, 2004
South Carolina Trial Lawyers Association
1901 Gadsden Street
Columbia, SC 29211

Commencement Address, May 29, 2009
Richland One Evening School
Heyward Career Center
3560 Lynhaven Drive
Columbia, SC 29204

YWCA’s Tribute to Women in Industry Award Speaker, April 9, 2008
YWCA, Sumter Chapter
246 Church Street
Sumter, SC 29150

“Careers in the Law”, January 20, 2008
South Carolina Student Trial Lawyers Association
University of South Carolina School of Law

514 Main Street
Columbia, SC 29208

“Crime Victims and Justice Day” (Panel Discussion), December 11, 2007
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Remarks at Student Luncheon, November 9, 2007
University of South Carolina Moore School of Business
1705 College Street
Columbia, SC 29208

South Carolina’s Criminal Court System, October 29, 2007
University of South Carolina College of Arts and Sciences
Department of Criminology and Criminal Justice
Currell College
1305 Greene Street
Columbia, SC 29209

Commencement Address,
South Carolina Executive Institute, March 21, 2007
(Institute ceased operations in 2008)

Remarks at Swearing-In Ceremony for Election to the South Carolina Circuit
Court, August 17, 2006
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201

“Ask the Commissioners” (Panel Discussion), November 2005; May 6, 2005;
November 6, 2004; October 20, 2003; May 3, 2002
Association of South Carolina Claimant Attorneys for Workers’ Compensation
(No physical address)

“Ask the Commissioners” (Panel Discussion), October 23, 2005; February 26,
2005; October 27, 2004
South Carolina Workers’ Compensation Educational Association
(No physical address)

Nominating Speech for Burnadette Norris-Weeks for American Bar Association
Young Lawyers Division’s Representative on the American Bar Association’s
Nominating Committee, Spring 2002
American Bar Association Young Lawyers Division
321 North Clark Street
Chicago, IL 60654

Workplace Safety in South Carolina, September 2001
Workplace Violence, May 2001
South Carolina Department of Labor Licensing and Regulation
Synergy Business Park
Kingstree Building
110Centerview Drive
Columbia, SC 29210

Civil Rights Act of 1991: Practical Suggestions for Employers
August 6, 1992

Remarks at the Joint Spring Conference of the South Carolina and North Carolina
Industry Liaison Groups, 2001

Other general topics on which I have spoken include the following: Practical
Trial Tips; Professional Development for Young Lawyers; Closing Arguments;
Marketing Tips; Becoming Involved with Bar Organizations; Mentoring; and
Making Partner in a Large Firm

Other public transcripts or recordings include:

The Judicial Observation Program
Self-represented Litigants
SC Bar Continuing Legal Education Division
P.O. Box 608
Columbia, SC 29202
(videos available)

- 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 Carolina Panorama: I was interviewed by this newspaper, located in Columbia, SC, in the 1990s regarding my career as a lawyer with Nexsen Pruet, LLC, and as one of the few African-American lawyers employed by a major law firm.

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 2002, I was appointed by Governor James H. Hodges to serve as a Commissioner on the South Carolina Workers' Compensation Commission. The Commission adjudicates issues related to compensability, medical treatment, temporary disability benefits, and

partial or permanent disability awards for employees who sustain workplace injuries. I served on the Commission until 2006.

In 2006, I was elected to serve as a Circuit Court Judge by the South Carolina General Assembly and fulfilled the unexpired term of my predecessor. The General Assembly re-elected me to the Circuit Court in 2009. The South Carolina Circuit Court is the state's trial court of general jurisdiction.

The Chief Justice of the South Carolina Supreme Court appointed me to serve as the Chief Administrative Judge for General Sessions (criminal court) from January 2008 to January 2010.

The Chief Justice appointed me to serve as the Chief Administrative Judge for the Business Court Pilot Program, Richland County, from October 2007 through the duration of the program. The Business Court Pilot Program was established for the purpose of designating one judge in the participating counties to hear all matters arising from complex business cases assigned to the Business Court.

I have also served as an Acting Justice for the South Carolina Supreme Court on several occasions during my tenure as a Circuit Court Judge when requested to do so by the Chief Justice. While sitting with the Supreme Court, I have heard and decided both civil and criminal matters.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? Fifty (50).
 - i. Of these, approximately what percent were:

jury trials? 85 %; bench trials? 15% [total 100%]

civil proceedings? 35%; criminal proceedings? 65 % [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.

In my capacity as a Circuit Court Judge, I have authored a substantial number of opinions. However, Circuit Court opinions are not assigned citations.

In my capacity as an Acting Justice for the South Carolina Supreme Court, I have concurred in the following opinions: *Lakephia McCrea v. Jafer Gheraibeh*, 380 S.C. 183, 669 S.E.2d 333 (2008); *State v. Henry Fletcher*, 379 S.C. 17, 664 S.E.2d 480 (2008); *State v. Meckler*, 379 S.C. 12, 664 S.E.2d 477 (2008); *Brenco v. South Carolina Dept. of Transp.*, 377 S.C. 124, 659 S.E.2d 167 (2008); *State v. NV Sumatra Tobacco Trading Co.*, 379 S.C. 81, 666 S.E.2d 218 (2008); *State v. Roach*, 377 S.C. 2, 659 S.E.2d 107 (2008); *State v. Miller*, 373 S.C. 599, 647 S.E.2d 175 (2007); *Englert, Inc. v. Leafguard USA*, 377 S.C. 129, 659 S.E.2d 496 (2008)

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

As a Circuit Court Judge in a Court of General Jurisdiction and in my capacities as Chief Administrative Judge of General Sessions (criminal court), a designated judge for the Richland County Business Court Pilot Program, and an Acting Justice for the South Carolina Supreme Court, I have presided over numerous criminal and civil matters involving diverse issues arising throughout various stages of the legal process. The volume of cases and matters that I preside over daily rarely requires formal written opinions; therefore, I am unable to determine the most significant cases. However, I have provided a list of cases that may offer insight into the various issues I have encountered.

1. *State of South Carolina v. Blakeney, Whitaker, Frierson, McPhail, Lyde, Blakeney, Sadler Richland County, South Carolina (Indictment Nos. 2007-GS-40-4365, 4366, 4367, 4368; 2007-GS-40-435; 2007-GS-40-4429, 4362, 4363, 4364; 2007-GS-40-4358, 4359, 4360, 4361; 2007-GS-40-4429, 4362; 2008-GS-40-1180, 1181, 1182, 1187; 2007-GS-40-4369, 4370, 4371, 4372)*

Summary and Disposition

Defendants were charged with committing one of the largest armored car heists in the history of the United States. Employees of Express Teller Services were refueling the armored car when certain Defendants, armed with a gun, assaulted and kidnapped the employees, drove to a remote location to meet other Defendants, and unloaded over nine million dollars from the armored car. The scheme was successful, in part, because of the roles of inside co-defendant employees. Defendants were charged with criminal conspiracy, assault and battery of a high and aggravated nature, kidnapping, and armed robbery. All Defendants pled guilty and received substantial prison sentences. This case attracted national media attention.

For the State

Daniel Goldberg
5th Circuit Solicitor's Office
1701 Main Street, Suite 302
Columbia, SC 29201
Phone: (803) 576-1800

For Defendants

Charles E. Johnson
Johnson & Associates, PA

1332 Main Street, Suite 65
Columbia, SC 29201
Phone: (803) 256-1964

Tynika Claxton
The Claxton Law Firm
1200 Main Street, Suite 910
Columbia, SC 29201
Phone: (803) 400-1195

Hemphill P. Pride, II
Law Office of Hemphill P. Pride, II
P.O. Box 4529
Columbia, SC 29201
Phone: (803) 256-8015

Deon O'Neil
Richland County Public Defender's Office
1701 Main Street
Main Street Lobby, Suite 103
Columbia, SC 29201
Phone: (803) 765-2592

Joseph M. McCullough, Jr.
Law Offices of Joseph M. McCullough, Jr.
P.O. Box 11623
Columbia, SC 29211
Phone: (803) 779-0005

Joshua Kendrick
Law Offices of Joshua Kendrick
P.O. Box 886
Columbia, SC 29202
Phone: (803) 667-3186

August G. Swarat, II
Whetstone Meyers Perkins & Young, LLC
Columbia, SC 29202
Phone: (803) 799-9400

2. *Lakephia McCrea v. Jafer Gheraibeh*, 380 S.C. 183, 669 S.E.2d 333 (2008)
(Acting Justice for the South Carolina Supreme Court)

Summary and Disposition

At trial, Petitioner moved for a hearing pursuant to *Batson v. Kentucky*,

476 U.S. 79 (1986), contending that Respondent impermissibly struck African-American jurors based on racial motivation. The Circuit Court denied the motion, and the jury returned a verdict in favor of Petitioner. The case was ultimately appealed to the South Carolina Supreme Court which reversed the Circuit Court. The Supreme Court held that Respondent's counsel's explanation that he struck a particular juror based simply on "uneasiness" over the juror's dreadlocks did not constitute a race-neutral reason for exercising a peremptory strike as is necessary to survive a *Batson* challenge.

For Petitioner

Edward L. Graham
Graham Law Firm, PA
P.O. Box 550
Florence, SC 29503
Phone: (843) 662-3281

For Respondent

C. Anthony Harris, Jr.
P.O. Drawer 1449
Cheraw, SC 29520
Phone: (843) 537-5204

3. *Henry D. McMaster, et al. v. Capital Consortium Group, L.L.C. et al.*
(Civil Action No.: 2007-CP-40-3116)

Summary and Disposition

The South Carolina Attorney General sought an injunction to enjoin Defendants, known as the "3 Hebrew Boys," from withdrawing, liquidating, transferring, or otherwise having access to certain funds located at Defendants' bank because Defendants' allegedly sold illegal securities and had an illegal investment scheme. The Attorney General also sought an injunction prohibiting Defendants' bank from closing these accounts. I granted a temporary injunction and froze almost eighteen million dollars in Defendants' bank accounts from Defendants' collection of money for the investment scheme. I also prohibited Defendants' counsel, a non-lawyer, from participating in the proceedings because he was engaged in the unauthorized practice of law. Defendants' counsel was later criminally convicted for the offense of unauthorized practice of law.

For Plaintiffs

Tracy Myers
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
Phone: (803) 734-4403

For Defendants

Sakima Bey (not an attorney)
4039 Monticello Road
Columbia, SC 29203

4. *State v. Eric Hemmingway (Indictment No(s):2005-GS-03-00139; 2005-GS-03-00142; 2005-GS-03-00143)*

Summary and Disposition

Defendant was convicted in a jury trial of murder, criminal sexual conduct first degree, and burglary first degree. At trial, which occurred over two years later, the coroner testified that she was unable to determine the decedent's cause of death. Nonetheless, the State proved that the death was the result of asphyxiation by strangulation. This case presented significant legal issues. The case was highly publicized.

For the State

Tameaka A. Legette
14th Circuit Solicitor's Office
P.O. Box 546
Hampton, SC 29924
Phone: (803) 914-2175

Sean P. Thornton
14th Circuit Solicitor's Office
P.O. Box 1725
Walterboro, SC 29488
Phone: (843) 549-2192

For Defendant

Stephen T. Plexico
P.O. Box 1114
Varnville, SC 29944
Phone: (803) 943-7525

5. *State v. Henry Fletcher, 379 S.C. 17, 664 S.E.2d 480 (2008)(Acting Justice for the South Carolina Supreme Court)*

Summary and Disposition

Defendant was convicted in the Circuit Court of homicide by child abuse. Defendant ultimately appealed his conviction to the South Carolina Supreme Court. Defendant asserted that the trial court erred by admitting the testimony of a witness regarding Defendant's prior bad acts because such testimony was inadmissible under Rule 404(b) of the South Carolina Rules of Evidence. The South Carolina Supreme Court reversed the

conviction by holding that the State did not present clear and convincing evidence that Defendant committed the alleged prior bad acts, and thus, evidence of those prior bad acts was inadmissible. The Supreme Court further held that the trial court erred in the admitting evidence of the prior bad acts and that the error was not harmless because the testimony was prejudicial and was offered only to demonstrate Defendant's bad character.

For Petitioner

Susan Barber Hackett
P.O. Box 12159
Columbia, SC 29211
Phone: (803) 734-1954

For Respondent

John W. McIntosh
Norman Mark Rapoport
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
Phone: (803) 734-5089

6. *Cohen v. South Carolina Department of Transportation (Civil Action No. 2005-CP-27-188)*

Summary and Disposition

Plaintiff sued the South Carolina Department of Transportation and received a 3.5 million dollar verdict. Plaintiff alleged that Defendant failed to properly train and equip its employees to respond adequately to traffic hazards, to promptly remove fallen trees from its public roads, and to warn travelers of fallen trees in dimly lit areas on a particular road. Plaintiff further alleged that Defendant's negligence caused the driver of a motor vehicle to collide with the trees and strike Plaintiff who was standing near the roadway. Plaintiff suffered severe injuries causing her to become mentally and physically disabled. The jury verdict was reduced pursuant to the South Carolina Tort Claims Act.

For Plaintiff

Daniel E. Henderson
Peters Murdaugh Law Firm
P.O. Box 2500
Ridgeland, SC 29936
Phone: (843) 726-6131

For Defendant

C. Scott Graber

Graber Law Firm
605 Carteret Street
Beaufort, SC 29902
Phone: (843) 524-8204

7. *State v. Darrell Williams (Indictment No.:2008-GS-40-13175)*

Summary and Disposition

Defendant, appearing *pro se*, was convicted of burglary first degree. Defendant received a mandatory sentence of life imprisonment without parole because the conviction resulted in a second strike under the State's two strike law for "most serious" crimes. Given the nature of the charges and because Defendant appeared *pro se*, I was confronted with various constitutional and evidentiary issues as well as issues related to professionalism and judicial temperament that often arise when dealing with a *pro se* litigant.

For the State

Heather Weiss, Assistant Solicitor
Dolly Justice Garfield, Assistant Solicitor
5th Circuit Solicitor's Office
1701 Main Street, Room 302
P.O. Box 192
Columbia, SC 29202
Phone: (803) 576-1800

For Defendant

Darrell Williams, *Pro Se*
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

Joshua Kendrick (Shadow Counsel)
Law Offices of Joshua Kendrick
P.O. Box 886
Columbia, SC 29202-0866
Phone: (803) 667-3186

8. *State v. Gerald Williamson (Civil Action No.: 2006-CP-40-2803)*

Summary and Disposition

The State of South Carolina re-indicted a case which had been pending for over ten years. The victim requested that the case be re-opened so criminal charges could be pursued against her stepfather who she claimed molested her. After extensive testimony in a non-jury proceeding, I found

that the substantial pre-indictment delay caused undue prejudice to Defendant, and therefore, I dismissed the case.

For the State

Suzanne Mayes
South Carolina Commission on Prosecution Coordination
1401 Main Street, Suite 825
Columbia, SC 29201
Phone: (803) 343-0765

For Defendant

Jack Swerling
Law Offices of Jack Swerling
1720 Main Street, #301
Columbia, SC 29201
Phone: (803) 765-2628

9. *Professional Financial Services Corp. v. Jimmy Chavis and S.C. Dept. of Public Safety, Division of Motor Vehicles (Civil Action No.: 2005-CP-40-5976)*

Summary and Disposition

Plaintiff brought claims against Defendants for breach of contract and negligence. The parties proceeded to a non-jury trial and I found in favor of Plaintiff on all claims. This case involved various issues regarding installment contracts, the South Carolina Tort Claims Act, and the public duty doctrine.

For Plaintiff

J. Gregory Studemeyer
1804 Bull Street
Columbia, SC 29211-2201
Phone: (803) 779-3363

For Defendants

Stephanie McDonald
Senn, McDonald & Leinbach, LLC
Three Wesley Drive
Charleston, SC 29407
Phone: (843) 556-4045

10. *State v. NV Sumatra Tobacco Trading Co., 379 S.C. 81, 666 S.E.2d 218 (2008) (Acting Justice for the South Carolina Supreme Court)*

Summary and Disposition

The State of South Carolina brought an action against Appellant ("Sumatra"), a tobacco product manufacturer, under the Tobacco Escrow Fund Act alleging that the manufacturer had failed to make an escrow deposit and provide certification as required by the Act for cigarettes being sold in South Carolina. The Circuit Court granted summary judgment in favor of the State and Sumatra appealed. In affirming the Circuit Court's decision, the South Carolina Supreme Court held that Sumatra had sufficient minimum contact with South Carolina such that the Circuit Court properly exercised personal jurisdiction over Sumatra. Therefore, the Circuit Court's reasonable exercise of jurisdiction over Sumatra did not offend Sumatra's due process rights. The Supreme Court also held that the trial court properly granted the State's motion for summary judgment and ordered Sumatra to make payments pursuant to the Escrow Fund Act because the undisputed facts cited by the trial court established Sumatra's intent to sell cigarettes in South Carolina.

For Appellant

Joel Collins, Jr.
Gray T. Culbreath
Christian Stegmaier
Collins & Lacy, PC
P.O. Box 12487
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Phone: (803) 255-0423

For Respondent

J. Emory Smith, Jr.
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
Phone: (803) 734-3680

- 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. *State of South Carolina v. Antonio Mobley (State Grand Jury of South Carolina - Indictment # 2008-GS-47-01) (Order Granting Motion to Quash Indictment) (copies provided)*

For the State

Tommie DeWayne Pearson
South Carolina Attorney General's Office
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Phone: (803) 734-7135

For Defendant

Jack Swerling
Law Offices of Jack Swerling
1720 Main Street, #301
Columbia, SC 29201
Phone: (803) 765-2628

Melvin L. Roberts
Melvin L. Roberts & Associates
P.O. Box 460
York, SC 29745
Phone: (803) 684-4807

2. *Venture Investment Properties Group, Inc., v. Whaley's Mill, L.P., et. al.*
(Civil Action No.: 2007-CP-40-7742) (Business Court Order on
Defendants' Joint Motion to Compel and For Sanctions) (*copies provided*)

For Plaintiff

William R. Padget
Howard Sheftman
Finkel and Altman, LLC
P.O. Box 1799
Columbia, SC 29202
Phone: (803) 765-2935

For Defendants

Jeremy Hodges
Cory Manning
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
Columbia, SC 29211
Phone: (803) 255-9766

Demetri K. Koutrakos
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202-1390
Phone: (803) 256-2371

3. *Carolyn D. Covan, et al. v. Blue Cross and Blue Shield of South Carolina, et al. (Civil Action No.: 2008-CP-40-5294) (Business Court Order on Defendant's Motion to Dismiss) (copies provided)*

For Plaintiffs

J. Preston Strom, Jr.
Mario Pacello
Strom Law Firm
2110 Beltline Boulevard
Columbia, SC 29204
Phone: (803) 252-4800

John P. Freeman
2329 Wilmot Avenue
Columbia, SC 29205
Phone: (803) 254-4667

For Defendants

Howard Boyd
Gallivan White & Boyd, PA
P.O. Box 10589
Greenville, SC 29603
Phone: (803) 271-9580

4. *Robin R. Jones, By and Through her Guardian ad Litem, Douglas Raymond Jones v. Enterprise Leasing Company-Southeast and Enterprise Rent-A-Car Company (Civil Action No.: 2006-CP-40-03605R) (Order on Defendant Enterprise Rent-A-Car Company's Motion for Summary Judgment) (copies provided); affirmed by the South Carolina Court of Appeals, 383 S.C. 259, 678 S.E.2d 819 (Ct. APP. 2009)*

For Plaintiff

Justin S. Kahn
Kahn Law Firm
P.O. Box 31397
Charleston, SC 29417-1397
Phone: (843) 577-2128

For Defendants

Samuel W. Outten
Womble Carlyle Sandridge & Rice, LLC
P.O. Box 10208
Greenville, SC 29603-0208
Phone: (864) 255-5421

5. *Robbie Mouzon v. State of South Carolina (Civil Action No.: 2000-CP-40-2336) (Order Granting Post-Conviction Relief) (copies provided)*

For Applicant

Tara Dawn Shurling
Law Offices of Tara Dawn Shurling, PA
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Columbia, SC 29204
Phone: (803) 738-8622

For Respondent

Brian Petrano
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
Phone: (803) 734-3970

6. *State of South Carolina, ex. rel. Henry D. McMaster v. Casale Media et al. (Civil Action No.: 2008-CP-40-729) (Business Court Order on Plaintiff's Motion for Partial Summary Judgment and Defendant's Motion for Protective Order) (copies provided)*

For Plaintiff

Warren Ganjehsani
Rogers Townsend & Thomas, PC
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Columbia, SC 29202-3200
Phone: (803) 771-7900

For Defendants

Cory Manning
Jeremy Hodges
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
Columbia, SC 29211
Phone: (803) 799-2000

7. *State of South Carolina v. Archie Dalmes Porcher (Indictment No.: 2006-GS-10-0759) (Order on Defendant's Motion for Continuance, Motion to Quash, and Motion to Suppress) (copies provided)*

For the State
Nathan Williams
United States Attorney's Office
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Columbia, SC 29201
Phone: (803) 343-3162

For Defendant
A. Peter Shahid
Shahid Law Office, LLC
89 Broad Street
Charleston, SC 29401
Phone: (843) 853-4500

8. *Jane Doe, a High School Student in Richland County School District Two, and Her Parent, Mary Doe v. Richland County School District Two (Civil Action No.: 2006-CP-40-6525) affirmed by the South Carolina Court of Appeals, 382 S.C. 656, 677 S.E.2d 610 (Ct. App. 2009) (copies provided)*

For Plaintiffs
Kimaka Nichols-Graham
South Carolina Legal Services
701 South Main Street
Greenville, SC 29601
Phone: (864) 679-3259

Thomas L. Bruce
South Carolina Legal Services
701 South Main Street
Greenville, SC 29601
Phone: (864) 679-3259

For Defendants
Kenneth L. Childs
Vernie L. Williams
Jasmine S. Rogers
Childs & Halligan, PA
P.O. Box 11367
Columbia, SC 29211
Phone: (803) 254-4035

9. *Kelley Neely, on behalf of herself and as Personal Representative of the Estate of Shane Haller Neely v. Werner Enterprises, Inc., et al. (Civil Action No.: 2008-CP-40-0044R) (Order on Defendants' Motion to Compel) (copies provided)*

For Plaintiffs

Richard A. Harpootlian, PA
P.O. Box 1090
Columbia, SC 29202
Phone: (803) 252-4848

For Defendants

Mark Barrow
Sweeny Wingate & Barrow, PA
P.O. Box 12129
Columbia, SC 29211
Phone: (803) 256-2233

10. *BL Development Corp. d/b/a Grand Casino Tunica v. Timothy C. Walker*
(Civil Action No.: 2006-CP-40-6619) (Order on Defendant's Notice of
Defenses and Motion to Vacate Foreign Judgment) (*copies provided*)

For Plaintiff

Mark Pearson
Brock & Scott, PLLC
5821 Fairview Road, Suite 105
Charlotte, NC 28209
Phone: (704) 643-0290

Andrew Thompson
Thompson Law Office, LLC
521 Calhoun Street, Apartment 1
Johnston, SC 29832
Phone: (803) 275-3330

For Defendant

D. Nathan Hughey
Hood Law Firm, LLC
P.O. Box 1508
Charleston, SC 29401
Phone: (843) 577-4435

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

The following is a list of cases in which I was the trial judge where petitions for writ of certiorari were filed. "COA" refers to petitions for writ of certiorari that were filed in the South Carolina Supreme Court from cases decided by the South Carolina Court of Appeals. "PCR" refers to post conviction relief cases from the trial court that are automatically filed as petitions for writ of certiorari directly to the South Carolina Supreme Court. Those cases where certiorari has not been decided are, to my knowledge, currently pending.

Case No.	Case Title	Case Type	Cert. Granted	Cert. Denied
2009134147	Jones, Robin v. Enterprise Leasing	Petition For Certiorari - COA		
200885767	Hendricks, Larry Edward v. SCDC (5)	Petition For Certiorari - COA		
200885806	Hendricks, Larry Edward v. SCDC (6)	Petition For Certiorari - COA		
200885826	Hendricks, Larry Edward v. SCDC (4)	Petition For Certiorari - COA		
2008104426	McCoy, Michael v. The State	Petition For Certiorari - PCR		
2009123986	Boyce, William T. v. The State	Petition For Certiorari - PCR		
2009126988	Byrd, LeShawn v. The State	Petition For Certiorari - PCR		
2009129592	Dickerson, Joseph v. The State	Petition For Certiorari - PCR		
200888186	Siriwat, Chairut v. The State	Petition For Certiorari - PCR		
200776028	Al-Amin, Raquib Abdul v. The State	Petition For Certiorari - PCR		
200892411	Wilds, Israel v. The State	Petition For Certiorari - PCR		
200898913	Mouzon, Robbie v. The STATE	Petition For Certiorari - PCR		
200885049	Roach, Andre Q. v. The State	Petition For Certiorari - PCR		
2008108728	Vaughn, Brett R. v. The State	Petition For Certiorari - PCR		
200888087	Outen, Venson v. The State	Petition For Certiorari - PCR		5/14/2009
200892408	Ward, Sylvester v. The State	Petition For Certiorari - PCR		
2008105528	McElveen, Roy Vance v. The State	Petition For Certiorari - PCR		7/9/2009
200762361	Glymph, Phillip v. The State	Petition For Certiorari - PCR		6/2/2009
200764321	Shiver, William G. v. The State	Petition For Certiorari - PCR		11/19/2008
200765408	Moody, Robert v. The State	Petition For Certiorari - PCR		10/23/2008
200765427	Mosely, Avery v. The State	Petition For Certiorari - PCR		12/4/2008
200765562	Hammond, Darryl v. The State	Petition For Certiorari - PCR		12/17/2008
200765903	Myers, Jerome v. The State	Petition For Certiorari - PCR		5/29/2009
2008105366	Taylor, Prince v. The State	Petition For Certiorari - PCR		
2008109647	Patterson, Frank R. v. The State	Petition For Certiorari - PCR		

- 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.

1. *South Carolina Dept. of Revenue v. Anonymous Co. A*, 678 S.E.2d 255 (S.C. 2009) (a South Carolina Reporter citation has not yet been assigned)

Summary and Disposition

Two companies (the dealer and finance company) sought a refund of sales taxes for installment contracts which became uncollectible. The South Carolina Department of Revenue determined that the companies were not eligible for the requested relief under the applicable statute. The case was appealed to the Administrative Law Court which held that the two

companies constituted one “person” as defined by the statute and thus qualified for the sales tax relief. The South Carolina Department of Revenue appealed the decision to the Circuit Court. After hearing and reviewing the case, I affirmed the decision of the Administrative Law Court. The South Carolina Department of Revenue ultimately appealed the case to the South Carolina Supreme Court, which reversed my ruling and held that the two companies did not constitute one “person” within the meaning of the statute providing for refunds of sales taxes.

For Plaintiff

Milton Kimpson
South Carolina Department of Revenue
P.O. Box 125
Columbia, SC 29214
Phone: (803) 898-5130

For Defendant

John D. Hawkins
The Hawkins Law Firm
P.O. Box 5048
Spartanburg, SC 29304
Phone: (864) 574-8801

- 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.

I have not issued any unpublished opinions.

- 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.

The Circuit Courts of South Carolina are courts of general jurisdiction. As a Circuit Court Judge, I have presided over numerous civil and criminal matters involving various constitutional issues. In my capacity as Chief Administrative Judge for General Sessions (criminal court) for the Fifth Judicial Circuit, I handle trials, guilty pleas, bond settings, pre-trial motions, and other matters in which I am confronted with constitutional issues on a daily basis, mostly involving the Fourth, Fifth, Sixth and Eighth Amendments of the United States Constitution. However, I often only make findings of fact and conclusions of law with respect to these issues orally on the record or by way of short order, and thus, have very few formal opinions with citations. In civil trials or motions hearings, I also review constitutional issues unique to civil proceedings.

- 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 never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

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

The State of South Carolina does not employ an automatic recusal system. Recusal is determined on a case-by-case basis. Judges are guided by the Judicial Canons and the South Carolina Rules of Professional Conduct.

I believe it is appropriate to recuse myself in any matter in which I have personal knowledge of the facts of the case, a personal or close relationship with the litigants, attorneys, or the parties or I believe there may be an appearance of impropriety or lack of impartiality. I make my determination on the factual situation before me at the time. Prior to or at the call of a case, I inform the parties of any potential conflicts or circumstances of which I believe the parties should be aware so that they may make the appropriate motions and decisions regarding my involvement in the case. For example, in *Nationwide Insurance Company v. Marie Assa'ad-Faltas, M.D., M.P.H. and Randall Gregory Drye, M.D.* (Civil Action No.: 2007-CP-40-5748), I informed the parties that several years ago, I represented the University of South Carolina in an action filed against it by Defendant Faltas. Despite this information, the parties stated their desire that I not recuse myself.

I do not recall any situations in which a litigant requested that I recuse myself because of an asserted conflict of interest where I failed to grant such a request.

However, I have found one occasion to recuse myself *sua sponte* from a case to avoid the appearance of impropriety. After ruling against Defendants on a motion for a temporary injunction in the case of *Henry McMaster, et al. v. Capital Consortium Group, L.L.C. et al. (Civil Action No.: 2007-CP-40-3116)*, the individual named Defendants hired new legal counsel. Despite having legal representation, the individual Defendants acting *pro se* filed a motion for reconsideration of the order granting the temporary injunction and additionally filed an action listing myself and other government officials as defendants. As a result of Defendants' actions, I found it necessary to recuse myself, *sua sponte*, in the interest of justice to all parties and to avoid the appearance of impropriety or lack of impartiality.

15. Public Office, Political Activities and Affiliations:

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

In 1999, Mayor Robert Coble (Columbia, South Carolina) appointed me to the Board of Directors of the Midlands Authority for Conventions, Sports & Tourism. I served on the Board until 2006, and served as Secretary of the Board from 2003 to 2006.

In 2000, South Carolina Governor James H. Hodges appointed me Deputy Director, Division of Labor of the South Carolina Department of Labor, Licensing and Regulation. I served until 2002.

In 2002, Governor Hodges appointed me to the South Carolina Workers' Compensation Commission, where I served as a Commissioner until 2006.

I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- 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 had membership in or held an office in a political party or election committee.

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 have never served as a judicial clerk.

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

I have not practiced law as a solo practitioner.

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.

South Carolina Judicial Department
1015 Sumter Street
Columbia, SC 29201
Circuit Court Judge, 2006-present

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29201
Commissioner, 2002-2006

South Carolina Department of Labor, Licensing and Regulation
110 Centerview Drive
Columbia, SC 29210
Deputy Director, Division of Labor, 2000-2002

Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Summer Associate, 1991; Associate Attorney, 1992-1999; Partner, 2000

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.

During my practice at Nexsen Pruet, LLC, my primary practice areas included general litigation, employment and labor law, and domestic relations.

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

At Nexsen Pruet, LLC, my typical clients included individuals, governmental agencies, and corporations. During my later years in the law firm, I specialized in employment and labor law.

- 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.

I practiced primarily in litigation. I appeared in court more often than occasionally, but less than frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 25% |
| 3. other courts: | 5% |
| 4. administrative agencies: | 20% |

- 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.

During my years as an associate attorney with Nexsen Pruet, LLC, I handled most of my cases with partners in the firm. I did, however, handle several matters as sole or chief counsel. I estimate that I participated in approximately twenty-five trials.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury; | 85% |
| 2. non-jury; | 15% |

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

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

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

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

1) *Barbara Jean Stanley, as Personal Representative for the Estate of James W. Blume v. Bamberg County (Civil Action No.: 1997-CP-05-19) (2nd Judicial Circuit, Bamberg County); 1997; The Honorable William P. Keesley, Circuit Court Judge*

Summary and Disposition

This case arose out of the suicide of James W. Blume, a convicted felon, while he was incarcerated at the Bamberg County Detention Center. Plaintiff alleged causes of action for negligence, wrongful death, and conscious pain and suffering. Decedent was placed on suicide watch as a precautionary measure because, at the time of his booking, he was intoxicated, attempted to escape, complained that he could not breathe, requested nasal spray, and later slumped to the floor. Although Decedent was checked on a regular, frequent basis, he committed suicide in his cell using his underwear as a noose.

My co-counsel and I represented Defendant. During the course of the litigation, I assisted in all aspects of the trial of the case. I assumed responsibility for the direct examination of the most crucial witness, the jail officer who last checked Decedent before his death while he was being monitored on suicide watch. The Circuit Court granted Defendant a mistrial on the basis of a hung jury (10-2), and the case eventually settled.

Susan P. McWilliams, co-counsel
Nexsen Pruet, LLC
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(803) 771-8900

Wayne Floyd, opposing counsel
1611 Augusta Road
West Columbia, SC 29169
(803) 739-1824

- 2) *Woods v. Woods* (Civil Action No.: 1993-CC-40-0003) (Family Court, 5th Judicial Circuit, Richland County); 1993; The Honorable William Byars (retired)

Summary and Disposition

My client, Ms. Woods, left her husband, Mr. Woods, while living in North Carolina and took their two children to California. Mr. Woods filed an affidavit with a North Carolina court in which he misrepresented to the court that he and the children resided in North Carolina, despite having knowledge that Ms. Woods and their children in common were living in California. Based on the fraudulent affidavit, Mr. Woods obtained an *ex parte* order granting him custody of the children. He then presented this order to police in California who gave him custody of the children, and he returned to South Carolina. Ms. Woods sought to regain custody of her children from her ex-husband and obtained an *ex parte* order from California granting her temporary custody of the children.

As attorney of record in this court-appointed case, I had primary responsibility over the case, requiring me to research and draft briefs on significant legal issues. I argued the case before the Family Court requesting that the Court give full faith and credit to Ms. Wood's California order granting her temporary custody. As a result, Ms. Woods regained custody of her children, and the Court transferred the case to the California court system pursuant to the Uniform Child Custody Jurisdiction Act. Ms. Woods was eventually awarded permanent custody of the children by the California court.

Susan P. McWilliams, co-counsel
Nexsen Pruet, LLC
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- 3) *White v. Chambliss, et. al* (Civil Action No. 1:93-3058-6) (United States District Court for the District of South Carolina, Aiken Division); 1993; The Honorable Charles E. Simon, Jr., United States District Court for the District of South Carolina, Aiken Division (deceased)

Summary and Disposition

Plaintiff filed an action against the South Carolina Department of Social Services (“DSS”) and certain DSS social workers for the alleged wrongful death of her minor child while the child was in foster care. The minor child was admitted to the hospital with a broken arm. Hospital staff reported suspected child abuse. As a result, the minor child was placed in DSS custody and ultimately foster care. Approximately one month after being placed in foster care, the child died from blows to the head.

My co-counsel and I represented the DSS social worker who was involved in the placement of the minor child into foster care. I filed a motion for summary judgment asserting that the DSS case worker should be shielded from liability based on a qualified immunity defense. The District Court denied the motion for summary judgment. I assisted another lawyer in the firm with the appellate brief to the Court of Appeals for the Fourth Circuit, which reversed the District Court and granted summary judgment on the basis of the qualified immunity defense.

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- 4) *Dooley v. UPS* (Civil Action No. 3:94-1848-OBC) (United States District Court for the District of South Carolina, Columbia Division); 1994; The Honorable Matthew J. Perry, United States District Court for the District of South Carolina, Columbia Division

Summary and Disposition

Plaintiff brought suit against UPS alleging a violation of the Americans with Disabilities Act (“ADA”) based on Defendant’s failure to reasonably accommodate Plaintiff because of his disability (back injury). My co-counsel and I represented UPS. I researched and authored the briefs in support of summary judgment. The District Court granted summary judgment in favor of UPS upon finding that Plaintiff had previously filed a claim with the South Carolina

Workers' Compensation Commission alleging that he could not work as a result of his back injury and was awarded permanent and total disability. Based on these findings, the Court further held that Plaintiff was judicially estopped from taking a contrary position in his ADA claim by contending that he could work and perform the essential functions of his job with UPS.

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- 5) *Gibbs v. SCE&G, et al. (Civil Action No. 3:93-07700-0) (United States District Court for the District of South Carolina, Columbia, Division); 1993; The Honorable Matthew J. Perry, United States District Court for the District of South Carolina, Columbia Division*

Summary and Disposition

Plaintiff's riding privileges were suspended on SCE&G's Dial-A-Ride Transit system for persons with disabilities as a result of various complaints by drivers and passengers regarding his disruptive and offensive behavior. Plaintiff alleged causes of action for discrimination, retaliation and coercion under the Americans with Disabilities Act, a violation of 42 U.S.C. § 1983, state law claims for intentional and negligent infliction of emotional distress, negligent hiring and supervision, libel *per se*, and civil conspiracy.

My co-counsel and I represented Defendant. After extensive discovery and litigation of the case, I drafted and argued the briefs in support of summary judgment. The Court granted summary judgment in favor of Defendant on five of the nine causes of action. Subsequently, the case settled. This case presented several novel issues of law.

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Heyward McDonald (deceased), counsel for another Defendant

- 6) *Sea Pines Ass'n for the Protection of Wildlife, Inc., et. al. v. South Carolina Department of Natural Resources and Community Services Associates, Inc., affirmed by the South Carolina Supreme Court, 345 S.C. 594, 550 S.E.2d 287 (2001); 1998; The Honorable James M. Williams, Circuit Court (retired); The South Carolina Supreme Court – The Honorable Jean Hoefler Toal, The Honorable John Waller (retired), The Honorable James Moore (retired), The Honorable E.C. Burnett (retired), The Honorable Costa M. Pleicones*

Summary and Disposition

Sea Pines Plantation had been legally designated as a wildlife sanctuary in Hilton Head, South Carolina. My co-counsel and I represented local and national animal rights groups and individual residents and homeowners of Sea Pines who ultimately sought a permanent injunction to restrain the South Carolina Department of Natural Resources ("SCDNR") from issuing permits for the lethal elimination of deer within Sea Pines and a declaratory judgment that SCDNR was not complying with the requisite statutes, rules and regulations relative to the issuance of permits in a wildlife sanctuary. I researched and authored the briefs and obtained an *ex parte* temporary restraining order enjoining SCDNR and the neighborhood association from obtaining permits for the killing of deer in Sea Pines. The request for temporary injunction was later denied, but I filed a Petition for Writ of Supersedeas with the South Carolina Court of Appeals and was granted an injunction enjoining SCDNR from issuing any further permits for killing deer in Sea Pines until the trial of the case. At the non-jury trial of the case, the judge denied the request for a permanent injunction. Shortly thereafter, SCDNR issued another permit. I filed another Petition for Writ of Supersedeas requesting an injunction with the Court of Appeals, which was granted. The case was heard eventually by the South Carolina Supreme Court, which affirmed the Circuit Court and denied the request for a permanent injunction.

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- 7) *White, et. al. v. SC State Budget and Control Board, et. al., Op. No. 24711, filed November 10, 1997, South Carolina Supreme Court; 1992; The Honorable L. Henry McKellar, Circuit Court (retired); The South Carolina Supreme Court - The Honorable John Waller (retired), The Honorable Ernest A. Finney, Jr. (retired), The Honorable Jean Hoefler Toal, The Honorable James Moore (retired), The Honorable E.C. Burnett (retired)*

Summary and Disposition

Plaintiffs were attorneys who asserted causes of actions against Defendants for civil conspiracy and defamation *per se*. Plaintiffs alleged that Defendants, a mayor and city manager, conspired against them and defamed them by publicly accusing them of charging excessive fees in the settlement of a case during a radio broadcast interview. My co-counsel and I represented the mayor and city manager. I researched and authored the briefs in support of summary judgment, which was granted by the Circuit Court. I also researched and authored the briefs and argued the appeal in front of the South Carolina Supreme Court, which affirmed in part, reversed in part and remanded the case to the trial Court.

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- 8) *Harris and Prasky v. L&L Wings, Inc.*, affirmed by the Court of Appeals for the Fourth Circuit, 132 F.3d 978 (4th Cir. 1997); 1996; The Honorable Cameron M. Currie, United States District Court, District of South Carolina, Florence Division; Court of Appeals – The Honorable J. Harvie Wilkinson, III, Circuit Judge

Summary and Disposition

Plaintiffs alleged causes of action for sexual harassment, under both *quid pro quo* and hostile environment theories, retaliatory discharge, and pay discrimination pursuant to Title VII of the Civil Rights Act and the Equal Pay Act. My co-counsel and I represented Defendants. I researched and authored the briefs in support of summary judgment. The District Court granted summary judgment as to the Title VII sex discrimination disparate pay claim. I prepared for and participated in all aspects of the trial. I argued the motions for directed verdict, and the District Court ordered a directed verdict as to the equal pay cause of action and one Plaintiff's retaliation claim. The jury returned a verdict in favor of Plaintiffs on the other retaliation claim and the sexual harassment claims. We appealed, and I assisted in writing the briefs for the Fourth Circuit Court of Appeals, which affirmed the jury verdict.

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- 9) *Berry, Dunbar, O'Connor & Jordan v. James O. Bakker and Tammy Faye Bakker Messner, et al. (3:98-CV-01202)*; 1998; The Honorable Dennis Shedd, United States District Court, District of Columbia

Summary and Disposition

Plaintiffs sought a declaratory judgment under 28 U.S.C. § 2201 as to the ownership interests in an escrow fund maintained by Plaintiff and an order in the nature of interpleader, under 28 U.S.C. §§ 2361 and 2410, to identify and order the disbursement of the interest owned or claimed by the United States in the escrow fund. Defendants Bakker and Messner entered into an agreement with the United States relative to the settlement of income tax obligations. The agreement addressed the intellectual property rights of Defendant Bakker, payment of funds into an escrow fund managed by Plaintiff, and disbursement of a certain percentage of the funds to the Internal Revenue Service, Defendants Bakker and Messner or their assignees, and their attorneys for representation in a criminal trial.

I served as local counsel for James O. Bakker and Tammy Faye Bakker Messner in a declaratory judgment action seeking to declare the rights of Plaintiff to any proceeds from any literary or other intellectual property. I reviewed and assisted with the preparation of all documents filed with the court. The case eventually settled.

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- 10) *Hatton v. South Carolina State University*; 1997; The case was never set before a judge because it settled.

Summary and Disposition

My co-counsel and I represented Defendant South Carolina State University and South Carolina State University Board of Trustees against a former president of the University. The president sued the University claiming that she was

wrongfully terminated in breach of her contract. I attended several meetings and provided legal advice to the Board and assisted with the preparation of many documents involved in the case. Given the nature of the proceedings, this case attracted significant media attention. The case was eventually settled.

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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.)

I do not recall any significant legal activities in which I have been involved that did not result in litigation or did not progress to trial.

I have not performed any lobbying activities on behalf of any client or organization.

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 courses at an institution.

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.

Other than my retirement and personal brokerage accounts, I have not engaged in any deferred income arrangements.

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 do not have any plans or commitments to pursue outside employment.

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 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.

None.

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

I would refer to the Judicial Canons and Code of Professional Responsibility to resolve any potential conflict of interest. I would further inquire of the parties before me about any potential issues or areas of concern. I would also recuse myself *sua sponte* in any matters that present the appearance of impropriety or lack of impartiality.

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.

I have volunteered countless hours of my time and talent over the years to serve the disadvantaged in several capacities, including pro bono representation, free legal clinics,

serving on boards with a mission to serve the underprivileged and socially or economically disadvantaged, assisting with or preparing legal documents for persons, speaking at seminars in poor and rural communities on helpful legal topics, mentoring, encouraging diversity initiatives, preparing written materials to make the legal system more understandable, and volunteering at charity functions.

Some of the specific projects in which I have participated include: 1) assisted in the production of a Video Documentary, entitled *Equal Justice: The Law, Lawyers and Civil Rights*, featuring lawyers and judges who helped lead the South Carolina civil rights movement. These videos were distributed throughout elementary and secondary schools and aired on South Carolina Educational TV; 2) organized a “Hoop it Up: Pack it In” basketball benefit to raise monies and donations for backpacks and school supplies for underprivileged children in the poorest school districts in South Carolina.; 3) volunteered with The Children’s Garden, a daycare center for the children of homeless and economically disadvantaged parents in transition; 4) organized a “Tender Hearts” wine tasting and auction to support children’s charities; and 5) organized a “Does A Difference Make A Difference?” Diversity Continuing Legal Education seminar and ethnic-centered reception. I am currently in the process of assisting the South Carolina Supreme Court’s Access to Justice Commission with publications and the production of videos to assist self-represented litigants with assessing and understanding the court system.

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.

After the election of President Barak Obama, I became aware of potential judicial openings in the United States District Court for the District of South Carolina. Various persons inquired about my desire to seek a position as a United States District Court Judge so I began to research the process for attaining this position. Eventually, I spoke with staff members in Representative James E. Clyburn’s office about my interest in the position; however, I never had a formal interview nor participated in any selection commission process. On or about June 12, 2009, I received a joint letter from Congressman Clyburn and Congressman John Spratt informing me that they had nominated me for the position of United States District Court Judge. I contacted their offices to thank them for their confidence in me and to discuss the process. On July 24, 2009, I was informed by staff from the Department of Justice that I was selected to participate in a pre-nomination

process and was requested to begin the paperwork. I have had subsequent conversations with staff from the Department of Justice regarding that paperwork and the nomination process. On September 23, 2009, I interviewed with various legal counsel of the White House and the Department of Justice.

- 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, Julianna Michelle Childs, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

December 21, 2009
(DATE)

J. Michelle Childs
(NAME)

Jo Anne M. Nichols
(NOTARY)