

**REPORT OF THE JUDICIAL QUALIFICATIONS COMMITTEE
SOUTH CAROLINA BAR
November 2004**

The Judicial Qualifications Committee has completed its consideration of information received from confidential interviews concerning the qualifications of judicial candidates in contested races. Sitting legislators were not contacted to prevent any inference that a legislator was being asked to endorse a candidate.

The Committee reports the collective opinion those members of the Bar surveyed concerning each candidate's qualifications. A significant number of interviews are sought through subcommittees. Candidates are directly interviewed. All members of the Committee review comments received from all sources during deliberations. Isolated comments that appear to be aberrational may be disregarded. The collective opinion is not necessarily uniformly held by those interviewed.

The Committee is issuing reports on the following candidates.

Circuit Court

Sixth Judicial Circuit, Seat 1	The Honorable Brooks P. Goldsmith
Twelfth Judicial Circuit, Seat 1	Frederick A. "Rick" Hoefler, II Michael G. Nettles Thomas A. Russo

Family Court

Fifth Judicial Circuit, Seat 1	Melvin D. Bannister The Honorable Steven D. Dennis Stevens B. Elliott Dorothy M. Jones Ashlin B. Potterfield R. David Proffitt Gwendlyne Y. Smalls Walter H. Smith Caroline W. Streater
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Administrative Law Court

Seat 2	The Honorable Joseph M. Epting Wanda P. Hagler John D. McLeod Shirley C. Robinson
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Judicial Qualifications Committee

Report on

The Honorable Brooks P. Goldsmith

The Honorable Brooks P. Goldsmith is a candidate for the Circuit Court Sixth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Judge Goldsmith is a graduate of Furman University and the University of South Carolina School of Law. He was admitted to practice in 1969. In 1970, Judge Goldsmith was admitted to practice law in the State of Georgia. He practiced law for 32 years prior to being elected to the family court bench in 2001.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. He is described as courteous to lawyers and litigants, possessing above average legal knowledge and courtroom management skills. While his experience is mainly in the family court with domestic and criminal juvenile matters, those interviewed spoke very favorably of his intellect and ability to preside over civil court. Given his demeanor, experience, intellect and work ethic, the majority of those interviewed felt he would be an excellent circuit court judge. It is the consensus of those surveyed that Judge Goldsmith possesses a high degree of skill and effectiveness.

Judicial Qualifications Committee

Report on

Frederick A. “Rick” Hoefler, II

Frederick A. “Rick” Hoefler, II, is a candidate for Circuit Court, Twelfth Circuit, Seat 1, the constitutional requirements for which are set out in South Carolina Constitution Article V, Section 15.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Those members surveyed reported that they believe Mr. Hoefler to be qualified to be a Circuit Court judge. Approximately 40% of his practice has involved criminal matters, 30% civil matters and 30% domestic cases. Mr. Hoefler is perceived by his peers to have above average character and intellect. All attorneys contacted regarding Mr. Hoefler rated him average or above average in all areas. Also, many attorneys contacted believed Mr. Hoefler to have a wider range of experience than the other candidates.

Most attorneys contacted regarding Mr. Hoefler, as well as Mr. Nettles and Mr. Russo, were of the opinion that the Twelfth Judicial Circuit was most fortunate in having three people well qualified who were interested in the judgeship.

Mr. Hoefler is a graduate of the University of South Carolina School of Law and Clemson University. He was admitted to the Bar in 1980. During the course of his legal career, Mr. Hoefler has served as a Law Clerk to Hon. John H. Waller, Jr., and Assistant Solicitor for the Twelfth Judicial Circuit. He currently practices with Ballenger, Barth and Hoefler, a general practice firm representing clients in civil, domestic, criminal, workers compensation, real estate and general litigation matters.

Judicial Qualifications Committee

Report on

Michael G. Nettles

Michael G. Nettles is a candidate for Circuit Court, Twelfth Circuit, Seat 1, the constitutional requirements for which are set out in South Carolina Constitution Article V, Section 15.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Those members surveyed reported that they believe Mr. Nettles to be qualified to be a Circuit Court judge. Approximately 74% of his practice has involved criminal matters, 20% civil matters and 2% domestic cases. Mr. Nettles also incorporates or represents small businesses and handles their day-to-day legal affairs. Mr. Nettles is perceived by his peers to have above average character and intellect. If Mr. Nettles has any perceived weakness, it is that he has had limited civil trial experience. Mr. Nettles responded to this concern by explaining that more criminal cases actually go to trial and he is experienced and comfortable in the civil area. All attorneys contacted regarding Mr. Nettles rated him average or above average in all areas.

Most attorneys contacted regarding Mr. Nettles, as well as Mr. Hoefler and Mr. Russo, were of the opinion that the Twelfth Judicial Circuit was most fortunate in having three people well qualified who were interested in the judgeship.

Mr. Nettles is a graduate of the University of South Carolina School of Law and Wofford College. He was admitted to the Bar in 1984. He has been engaged in the general practice of law as a partner with Nettles, Turbeville and Reddick for the past twenty years.

Judicial Qualifications Committee

Report on

Thomas A. Russo

Thomas A. Russo is a candidate for Circuit Court, Twelfth Circuit, Seat 1, the constitutional requirements for which are set out in South Carolina Constitution Article V, Section 15.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Those members surveyed reported that they believe Mr. Russo to be qualified to be a Circuit Court judge. One hundred per cent of his current practice is devoted to criminal matters. Since 1996, Mr. Russo has been involved primarily with criminal work, either as a public defender or prosecutor. If Mr. Russo has any perceived weaknesses, it is that he has had a criminal practice only with limited civil experience. However, Mr. Russo has worked on the civil side and is perceived by his peers to be quick to learn. Mr. Russo did have an extensive civil practice prior to assuming his current position. Mr. Russo is perceived by his peers to have above average character and intellect. All attorneys contacted regarding Mr. Russo rated him average or above average in all areas.

Most attorneys contacted regarding Mr. Russo, as well as Mr. Nettles and Mr. Hoefler, were of the opinion that the Twelfth Judicial Circuit was most fortunate in having three people well qualified who were interested in the judgeship.

Mr. Russo is a graduate of the University of South Carolina School of Law and the University of South Carolina. He was admitted to the Bar in 1987. During the course of his legal career, Mr. Russo has served as a Law Clerk to the Honorable Joseph F. Anderson, Jr., and has been in private practice with general practice firms and has served as a public defender. Since 1999 he has been a deputy solicitor for the Twelfth Judicial Circuit.

Judicial Qualifications Committee

Report on

Melvin D. Bannister

Melvin D. Bannister is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Mr. Bannister is a graduate of the University of South Carolina and the University of South Carolina School of Law. He was admitted to the South Carolina Bar in 1975. He has practiced law for 29 years and been a sole practitioner since 1978. He was certified as a Family Court Mediator in 1999 and a Family Court Guardian ad Litem in 2004. For the last five years, approximately 83% of his practice has been in family court.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Most of the members surveyed believe Mr. Bannister possesses the requisite characteristics to be a family court judge. He is described as courteous to lawyers and litigants, possessing average legal knowledge. He is considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge. He satisfactorily addressed questions raised concerning his work ethic and habits. It is the consensus of those surveyed that he is qualified.

Judicial Qualifications Committee

Report on

The Honorable Steven D. Dennis

The Honorable Steven D. Dennis is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Judge Dennis is a graduate of the University of South Carolina and the University of South Carolina School of Law. He has practiced law for 29 years, is currently the Chief Administrative Judge for the City of Columbia Municipal Court and has been a municipal judge for the past 14 years.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. The members surveyed overwhelmingly believe Judge Dennis possesses the requisite characteristics to be a family court judge. He has excellent character and is extremely hardworking and diligent. He is committed to service as a judge. He has experience in both the civil and criminal side of the lower courts. He is described as courteous to lawyers and litigants, possessing above average legal knowledge and excellent courtroom management skills. It is the consensus of those surveyed that he is extremely well qualified.

Judicial Qualifications Committee

Report on

Stevens B. Elliott

Stevens B. Elliott is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Mr. Elliott is a graduate of the University of South Carolina and the University of South Carolina Law School. He was admitted to the South Carolina Bar in 1981. He has practiced law for 23 years. He has served since 1981 as part-time lawyer and administrative hearings officer for the South Carolina Employment Security Commission. From 1982 to the present, he has also represented thousands of juveniles in front of the South Carolina Juvenile Justice Parole Board, which gives him specialized knowledge in this area.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Mr. Elliott has extensive experience in the family court and is described as courteous to lawyers and litigants, possessing above average legal knowledge and good courtroom skills. He is considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge. Mr. Elliott was candid, insightful and enthusiastic and appeared committed to the position as a family court judge.

Judicial Qualifications Committee

Report on

Dorothy M. Jones

Dorothy M. Jones is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Jones is a graduate of the University of South Carolina and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1978 and has practiced for 26 years. From 1990-1993 she was in private practice as a sole practitioner, then later formed the law firm of Lester and Jones in Columbia, South Carolina, where she concentrates her practice in the area of family law only.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Ms. Jones received extremely positive responses from all members. She is highly respected, has excellent character and demonstrated an ability to manage a docket properly. She has extensive experience in family court and is described as courteous to lawyers and litigants, possessing excellent legal knowledge and good courtroom skills. She is also considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge, and it is the consensus of those surveyed that she is extremely well qualified.

Judicial Qualifications Committee

Report on

Ashlin B. Potterfield

Ashlin B. Potterfield is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Potterfield is a graduate of Converse College and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1991 and has practiced law for 13 years. She has been with Harvey L. Golden's law firm since February 1993, first as an associate and in 1994 as a partner in the current law firm of Golden, Taylor, Potterfield, and Barron. She handles only domestic cases.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. The members surveyed believe Ms. Potterfield possesses the requisite characteristics to be a family court judge. The responses were overwhelmingly positive. She has extensive experience in the family court and is described as courteous to lawyers and litigants, possessing above average legal knowledge and good courtroom skills. She is also considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge. A woman of her word, she recognizes the need to carefully transfer from a lawyer to a judge. Members responded that she would be an excellent judge. It is the consensus of those surveyed that she is extremely well qualified.

Judicial Qualifications Committee

Report on

R. David Proffitt

R. David Proffitt is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Mr. Proffitt is a graduate of the University of North Carolina at Asheville and the University of South Carolina School of Law. He was admitted to the South Carolina Bar in November 1996 and to the North Carolina Bar in June 1997. He has been in private practice for three years. He spent one year as a Supreme Court staff attorney and two years as a law clerk for Justice Waller and has been clerking for Justice Burnett since November 2003. He practiced with David Fedor for two years and spent one year in solo practice.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Mr. Proffitt has tried only two civil cases on his own and has handled less than 10 divorce matters. He has handled no juvenile cases and no custody cases. Mr. Proffitt has excellent legal ability and has had excellent training. He has a good demeanor. However, it is the consensus of those surveyed that he is not suited at this time due to his lack of experience in family court matters and due to his lack of trial experience.

Judicial Qualifications Committee

Report on

Gwendlyne Y. Smalls

Gwendlyne Y. Smalls is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Smalls is a graduate of the University of South Carolina and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1989. She has been in the practice of law for 15 years and has been a solo practitioner in the Law Office of Gwendlyne Young Smalls since 1995. She concentrates most of her practice in the family court.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. The members surveyed believe Ms. Smalls possesses the requisite characteristics to be a family court judge. She has extensive experience in the family court, especially with juvenile delinquency issues, and is described as courteous to lawyers and litigants, possessing above average legal knowledge and good courtroom skills. It is the consensus of those surveyed that she is well qualified.

Judicial Qualifications Committee

Report on

Walter H. Smith

Walter H. Smith is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Mr. Smith is a graduate of the University of Alabama and the University of South Carolina School of Law. He was admitted to the South Carolina Bar in 1981. He has been in practice for 23 years and has been a solo practitioner with family court his primary focus since 1990.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. Mr. Smith has experience in the family court and is described as courteous to lawyers and litigants, possessing average legal knowledge and good courtroom skills. He is also considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge, and it is the consensus of those surveyed that he is qualified.

Judicial Qualifications Committee

Report on

Caroline W. Streater

Caroline W. Streater is a candidate for the Family Court Fifth Judicial Circuit, Seat 1, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Streater is a graduate of the College of Charleston and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1989. She has been practicing for 15 years and has served as Assistant Legal Counsel at the Department of Juvenile Justice, advising staff on state and federal laws impacting juvenile justice and other matters since 1997.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. She is considered to possess the requisite legal knowledge, skill and temperament to preside as a family court judge. It is the consensus of those surveyed that she is qualified.

Judicial Qualifications Committee

Report on

The Honorable Joseph M. Epting

The Honorable Joseph M. Epting is a candidate for the Administrative Law Court, Seat 2, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Judge Epting is a graduate of The Citadel in 1964 and the University of South Carolina School of Law. He was admitted to the practice law in 1969. He has practiced law for 35 years and has served as Chief Judge for the Town of Irmo since 1989. He has appeared and represented clients before several agencies and commissions, including the South Carolina Public Service Commission, South Carolina Pharmacy Board, South Carolina Department of Revenue, and South Carolina Contractors Licensing Board.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. He has experience in the various courts and is described as courteous to lawyers and litigants, possessing above average legal knowledge and courtroom skills. He has served as a municipal court judge since 1986 – Chapin 1986-1997 and Irmo 1989 to present – and is admired for his courtesy and respect for litigants and lawyers while presiding. He is considered to be a “good guy” with a lot of common sense. He is also considered to possess the requisite legal knowledge, skill and temperament to preside as an administrative law court judge.

Judicial Qualifications Committee

Report on

Wanda P. Hagler

Wanda P. Hagler is a candidate for the Administrative Law Court, Seat 2, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Hagler is a graduate of Furman University and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1985 and has been employed by the Office of Appellate Defense since 1985.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. The members surveyed believe Ms. Hagler is considered to possess the requisite legal knowledge, skill and temperament to preside as an administrative law court judge. Although her practice has been limited to criminal appellate defense, she is deemed to be a very capable and energetic attorney who could handle the duties of an administrative law judge. She is very personable. She is well respected as a person and a lawyer.

Judicial Qualifications Committee

Report on

John D. McLeod

John D. McLeod is a candidate for the Administrative Law Court, Seat 2, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Mr. McLeod is a graduate of the University of South Carolina and the University of South Carolina School of Law. He was admitted to practice law in 1967. He has practiced law for 37 years and since 1969 has been a solo practitioner in Winnsboro, South Carolina. For the first 15 or 20 years, his practice was a broad general practice, but he gradually phased out criminal law and auto accident litigation in favor of a general civil practice with emphasis on probate, real estate and municipal law.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. He has extensive experience in the various courts and is described as courteous to lawyers and litigants, possessing excellent legal knowledge and courtroom skills. He is also considered to possess the requisite legal knowledge, skill and temperament to preside as an administrative law court judge.

Judicial Qualifications Committee

Report on

Shirley C. Robinson

Shirley C. Robinson is a candidate for the Administrative Law Court, Seat 2, the statutory requirements for which are set out in South Carolina Constitution Article V, Section 15.

Ms. Robinson is a graduate of the University of South Carolina and the University of South Carolina School of Law. She was admitted to the South Carolina Bar in 1991. She has practiced law for 13 years and has been employed by the South Carolina Department of Labor, Licensing & Regulation as a Hearing Advisor, providing legal advice to layman regulatory board members and staff on the proper conduct of disciplinary hearings and preparing final orders at the conclusion of the proceedings since 2000.

After interviewing a minimum of 30 members of the Bar who have knowledge of the candidate's integrity, competence and temperament and interviewing the candidate, the Committee reports the following information. She has experience in the various courts including administrative law. She has been serving as a hearing advisor for the South Carolina Department of Labor Licensing and Regulation and is described as courteous to all participants, possessing above average legal knowledge and good courtroom skills. She is also considered to possess the requisite legal knowledge, skill and temperament to preside as an administrative law court judge.