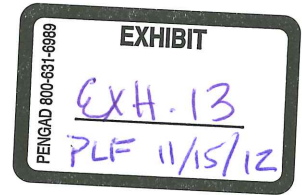


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:
Family Court, At Large, Seat 6

1. NAME: Ms. Patricia L. Forbis
BUSINESS ADDRESS: 141-F Pelham Road, PMB #113
Columbia, SC 29209
TELEPHONE NUMBER: (Office): 803 253-6170
2. Date of Place of Birth: 1952; Grand Rapids, MI
3. Are you a citizen of South Carolina? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on May 27, 2000, to Joel Wesley Duncan. Never divorced, no children.
6. Have you served in the military? N/A.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) 1971-75 Duke University, BS, Psychology;
 - (b) 1975-77 Duke University, MBA;
 - (c) 1992-95 USC School of Law, JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC, 1995
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

College:
1972-76 Hoof'n'Horn-Musical Comedy Group- Secretary;
1975-77 New Performing Dance Company-Dancer.

Law School:
(a) 1992-95 Pro Bono Program;
(b) 1995-97 Volunteer Guardian ad Litem;
(c) 1992-95 Women Law School Group.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SC Bar Annual Meeting-Family Law Section	1/06;
(b) Children's Issues in Family Court	3/06;
(c) Family Court Bench/Bar	12/06;

- (d) Children's Issues in Family Court 3/07;
- (e) Training for Attys Appointed in DSS Cases 7/07;
- (f) 2007 Disproportional Minority Legal Issues 9/07;
- (g) Representing Volunteer GAL's 3/08;
- (h) Children's Issues in Family Court 3/08;
- (i) 2008 Disproportional Minority Legal Issues 9/08;
- (k) Guardian ad Litem Continuing Education 10/08;
- (l) Creating Families Forever 10/08;
- (m) 2008 Children's Law Conference 10/08;
- (n) Family Court Seminar-Procedural Issues 12/08;
- (o) Family Law Training 3/09;
- (p) Private GAL Continuing Education Training 10/09;
- (q) 2009 Children's Law Center Annual Conference 11/09;
- (r) Hot Tips for Domestic Practioners 9/09;
- (s) Training for Attys Appointed in DSS cases 3/10;
- (t) Hot Tips for Domestic Practioners 10/10.

Additional CLE's were completed in 2011 in the area of Family Law, those summary reports have not been scanned in by the Commission and may be provided at a later date.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I have spoken at Trial Lawyers on several occasions, of various issues found in family court such as relocation, how to work with Guardian ad Litem, and general caselaw;
 - (b) I have made presentations on the topics of in family court at Hot Tips for Domestic Practioners sponsored by the SCBar to include locating parties when they have left the jurisdiction with the children, working with Guardian ad Litem and working with family counselors and family evaluators;
 - (c) I have been the course planner and speaker at the annual Children's Issues in Family Court CLEs for the SC Bar;
 - (d) I created the certification training for attorney and non-attorney Guardian ad Litem in private custody and visitation cases for the Children's Law Center of University of South Carolina School of Law and then presented the two day training program around the state;
 - (e) I planned the annual training for private Guardian ad Litem for the Children's Law Center and lectured at the seminar on advanced GAL topics.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) As a member of the Family Law Council of the SC Bar, helped develop the Family Law Practioners Tool Kit;

- (b) Marital Litigation in SC, Substantive Law, Third Edition Roy T. Stuckey (2001) - Editorial Board;
 - (c) Developed the Private Guardian ad Litem Handbook for the Children's Law Center.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
Admitted to practice before the State Courts of SC in 1995;
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) 1995-2001- Associate and Partner with the domestic law firm of McDougall and Self; handled a wide range of family court matters and served as the contract TPR attorney for Sumter County DSS;
 - (b) 2001-02- Solo Practice as a Guardian ad Litem-Florence, SC;
 - (c) 2002-03-Child Support Enforcement Attorney for DSS-Florence, SC;
 - (d) 2004-12-Solo Practice, private domestic cases, Guardian ad Litem, mediator, volunteer mediator for the Community Mediation Center in Richland County;
 - (e) 2007-09-Resource Attorney for the Children's Law Center of the USC School of Law, developed the private Guardian ad Litem training for attorneys and non-attorneys in private custody and visitation cases.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- 14.(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

Divorce: I have handled a wide range of divorce cases including those that have serious fault grounds, marriages of limited duration, serious custody issues, and cases that involved severe mental illness. The domestic practice does provide one with the opportunity to handle a variety of people when they are not always at their best.

However, the most challenging cases occur when a fault ground, particularly adultery is involved. The emotions of the situation make it difficult for the parties to focus on the matter of resolving the marital issues. One of the most memorable cases I had involved a woman with three children whose husband fell in love with her best friend. These two women had been so close they had their children at the same time. The betrayal of her husband and her best friend was devastating.

However, she got through the process and the actual divorce hearing with the help of a compassionate judge.

Equitable Division:

Most divorces require some resolution of the assets and debts of the parties. Whether it be a house, extensive debt or various investments, I have handled all matter of issues and have found my background in business and real estate as well as my MBA have given me the confidence to handle such matters.

One of the most interesting cases that I had which I discuss in the next section involved the use of nonmarital funds to pay off marital debts and an expectation of repayment for the use of these marital funds at the time of the divorce. In most situations one does not have to pay back a soon to be former spouse for being married to him and this is how this case was decided.

Child Custody:

Both as the attorney for a party and as a private guardian ad litem, I have had extensive experience in the area of custody determination. I have worked with counselors, family evaluators and other professionals to help determine what will be in a child's best interest. I have had family court judge's say that being a guardian ad litem is like being a judge only we got to go see the home.

One of my most interesting cases, and one in which I did not prevail, involved a case where a man fathered a child out of wedlock. His wife, upon learning of the child's existence stayed with her husband and joined with him to seek custody of the child. There were indications that the child was not being appropriately cared for by the biological mother, or at least not cared for the way my clients thought the child should be.

The court ultimately found that the mother should retain custody. I believe the court was influenced by the husband's actions in fathering a child while married to someone else. The father did get visitation which was complicated by his being reassigned to Germany with the Air Force

Adoption:

I have spoken at seminars on adoption and trained guardians ad litem who would serve in adoption cases. I have done step-parent adoptions as well as more difficult cases including one where the child was a product of the father, and egg donor and a surrogate mother. The coming of assisted reproductive technology is an area where the Family Court will become even more involved in the future.

As an adjunct to the adoption process, I also served as the Sumter County TPR attorney, freeing children for the adoptive process

Abuse and Neglect:

As anyone who practices in a smaller county, I have represented parents, Guardians and dealt with foster parents and the foster care review board. On one occasion I represented a child who had been placed in foster care due to the abuse of her father. She was resisting being placed with an

adoptive family as she preferred to remain with her foster family. Ultimately, the fourteen year old was not adopted and was allowed to remain where she wanted to be.

While with the Children's Law Center, I spent time with foster families discussing the needs of the children in their care and the challenges they face and educating these foster families on their responsibilities and limitations under the law.

Juvenile Justice:

Again, when one practices in a smaller county, one is appointed to these cases. I have represented juveniles of different ages. One child came into the system because he was at the wrong place with the wrong crowd. On another case I represented one of several children who had gone on a crime spree in Sumter, breaking into cars. This case involved a lengthy disposition of the matter before the court, the needs of the children and final restitution.

While at the Children's Law Center I worked on a project to determine how to improve the representation of juveniles in Family Court and had the opportunity to observe a variety of juvenile matters in several jurisdictions around the state.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. N/A.
16. What was the frequency of your court appearances during the past five years?
 - (a) federal:
 - (b) state: 1-2 times a month
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 - (a) civil: 0%;
 - (b) criminal: 0%;
 - (c) domestic: 100%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
 - (a) jury: 0%
 - (b) non-jury: 100% (family court)

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Sole counsel or Guardian ad Litem
19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
 - (a) Hutcherson v. Heath: In this divorce matter which involved the issue of equitable distribution, the husband felt he should be reimbursed for his non marital retirement funds that had been used to pay off the marital debt shortly before the wife the marriage. The husband contended that

the wife was planning to leave the marriage and convinced him to use his retirement monies to pay off the debt so she would not be saddled with any part of it through the equitable distribution process. The wife demonstrated to the court that her non marital asset (home equity) had been used for the furtherance of the marriage and too was gone. The Court found that wife was under no obligation to pay the husband back. This case does raise the argument as to whether there are situations where non marital funds used to satisfy marital debts could be a claim against the other party.

- (a) Angelo v. Angelo: In this divorce matter, the husband, after over 20 years of marriage felt he was under no obligation to provide support for his wife who had not worked during the marriage. In fact there were allegations that husband had kept the wife somewhat sedated and unmotivated by medications he received from his physician brother. The husband had suffered a closed head injury some years earlier which called into question some of his actions. He was receiving disability for his injury but he did not want that to be included in his ability to care for his wife. Nor did he feel she was entitled to any equity in the marital home as it was built with money he had inherited

The court found that wife should receive alimony but it would automatically be reduced by the amount she would receive as social security once she reached age 62. She also received a portion of the family investments valued at the time of filing although economic downturns had reduced the net value of the investments. The equity in the marital home was equitably apportioned as the court found the inheritance had been transmuted into marital property. The court was asked to eliminate the alimony offset in a motion for reconsideration but the court denied the motion. This case was challenging due to the personalities and the recalcitrance of the husband to understand his obligation to care for his wife. The automatic offset of the alimony by social security was a novel decision for me.

- (b) Bethea v. Bethea: This matter involved post divorce litigation wherein the father was seeking custody his young daughters due to his growing concern over the mental disintegration of his former wife. The cast took an ugly turn when the mother, after abandoning the children in a car while she was partying one night in the Vista was ordered to turn the children over to their father. Instead she took the children and ran. This started an all out effort to track her down. Her credit cards were monitored, her parents questioned, and her home watched. Ultimately, she was arrested in Las Vegas after a high speed chase. She was only being followed because one of the doors to the car was not completely shut.

Custody of the children was awarded to the father and the mother has not seen her children since. The practice of family law is not always

about going to court. Sometimes it involves all of one's life's experiences to reach the final goal.

- (c) Gordon v. Gordon: This matter involved a common law marriage and allegations of child abuse and domestic violence. One always hopes that when such grievous allegations are made, they will not be proven. Unfortunately, in this case, the common law aspect of the marriage was easily proven. It was the very daunting behavior of the husband/father that made the case difficult. The father had no regard for the truth and the well being of his son and wife. With a "no holds barred" approach, the father's appearance in court showed demonstrated a behavior of such certainty as to his position that the outcome of the case became a concern.

The Judge realizing that is what was being presented was not just two sides of the same story but a very real attempt to remold the clay of truth finally decided to have an in camera interview with the young son. This action, while not one that can cause problems for the child and parties, proved dispositive in this matter. Sometimes it is not always what you would like to do that helps you win a case, particularly if a different decision that could have proven fatal for the parties involved.

- (d) Smith v. Turbeville: In this post divorce case litigation for visitation, the father had had limited to no contact with his nearly teenage daughter for years. The mother who had separated from the father before the child was born professed to hate and fear him. The daughter resisted all efforts to develop a relationship with her father. As the mother's representative, it became clear to me that there were many factors at work, including the influence of the maternal grandmother, who lived with the mother and daughter and loathed the father.

While the response of the daughter to the father might have been inappropriate, the fact was that the daughter would severely stressed if forced to visit the father. After the Temporary Hearing where the mother was ordered to take the daughter to visit her father, the child became hysterical to the point she threw up on the father's porch.

Unfortunately, father would not meet with the child's counselor who might have been able to work through some of these issues. Eventually, the father just walked away and agreed to exercise his visitation if and when the daughter might initiate contact.

There are those cases in Family Court where what a family might need is not readily available through our system. This is one of those cases that can haunt you.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).

SCDSS v. Pamela Connor, David Addison, Irvin McCray, Robert Brown and Johnny Lee Davis of whom David Addison is the Appellant
SC Court of Appeals, decided 1997. Unpublished.

The Court upheld the termination of Mr. Addison's parental rights. Mr. Addison was one of four defendant fathers and the only one who appealed the termination of his rights.

21. List up to five criminal appeals that you have personally handled. N/A.
22. Have you ever held judicial office? N/A.
24. Have you ever held public office other than judicial office? N/A.
25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? N/A.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?
 - (a) 1977-82 Territory Sales Manager - Monsanto Company, managed an \$11m territory for a variety of chemicals in the eleven western states;
 - (b) 1983-84 National Sales Manager-Charleston Convention and Visitors Bureau, promoting Charleston, SC as an attractive convention destination;
 - (c) 1984-91 National Sales Manager Omni Hotels Corporation, Charleston, SC and San Diego, CA, promoting these hotels to the national association market for conventions and meetings;
 - (d) 1991-92 Realtor, Dan Ravenel Real Estate, selling high end real estate in downtown Charleston, SC.
28. Are you now an officer or director or involved in the management of any business enterprise? N/A.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. N/A.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? N/A.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? N/A.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? N/A.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? N/A.
36. Have you ever been investigated by the Department of Social Services? N/A.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy.

I am in private practice and have carried malpractice insurance with ALPS since 2004. I have never had a tail policy that I know of unless McDougall and Self maintained tail insurance on me for some time after I left the firm. My coverage is \$100,000 per occurrence and \$300,000 aggregate with a deductible of \$2500.

38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? N/A.
39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? N/A.
40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." N/A.
41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign."
I am unaware that I or any other candidate has violated S.C. Code §8-13-765. N/A.
42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.
- (a) \$9.00 Name Tag;
 - (b) \$230.00 Business cards, professional head shots;
 - (c) \$91.50 Fingerprinting.
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. N/A.
44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? N/A.

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? N/A.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? N/A
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?
Not that I know of.
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar 1995-current, member of the Family Law Council, currently, immediate past chair;
 - (b) 2007-Present, Member of Association of Family and Conciliation Courts;
 - (c) 2001-Present- international Collaborative Law Association.
49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Planned Parenthood Health Systems-Secretary to the Board;
 - (b) League of Women Voters-Board Member;
 - (c) SC Coalition for Healthy Families;
 - (d) Pee Dee Coalition Against Domestic Violence and Child Abuse-Board Member and President of the Board;
 - (e) Florence Symphony Orchestra-Board member and Chair Elect.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

The most ongoing life experience that will impact me as a judge is the fact that I married a man who went through the divorce process in South Carolina. In the interest of full disclosure, I should mention that I had joined the law firm of McDougall and Self as an associate during the time Mr. McDougall was handling my husband's case. The divorce took place in 1996 and we married in 2000. Unfortunately, this case became one of the "frequent flyers" of Family Court. Joel returned to court nearly every twelve to eighteen months to deal with some problem with his ex wife and her efforts to minimize his contact and relationship with his children.

It is this ongoing conflict and the impact on the parties and most certainly the children that I keep in mind when I serve as a Guardian ad Litem or represent either party in a case concerning children. The impact this situation has on children cannot be minimized. I look back over the last fourteen years and I cannot help but wonder what I or the court could have done differently to make this situation better.

I will always be sensitive to the parties who find themselves in this situation and the impact it is having on the children. I believe that this experience will remind me that decisions that are made today can have far reaching impact and as such each decision is very important and must be made with care and deliberation.

51. References:

- (a) John O. McDougall
752 Greenlawn Drive, Suite 4
Columbia, SC 29209
803-776-3130
- (b) The Honorable Wright Turbeville
55 North Lake Circle
Manning, SC 29102
803-473-8272
- (a) Thomas Leclair
Senior Resource Attorney
Children's Law Center
249 Berry Tree Lane
Columbia, SC 29223
803-777-1979
- (b) The Honorable William Byars
200 Hunt Trace
Camden, SC 29020
803-896-8555
- (e) Jane Brissette, SCB&T
Senior Vice President Private Banking Group
520 Gervais Street
Columbia, SC 29201
803-540-3937

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Patricia L. Forbis

Date: August 3, 2012