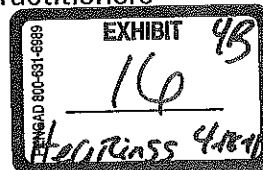


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Thirteenth Judicial Circuit, Seat 3

1. NAME: Mr. Harry L. "Don" Phillips, Jr.
BUSINESS ADDRESS: 301 University Ridge
Greenville, SC 29601
TELEPHONE NUMBER: (office): (864) 467-7848
2. Date of Birth: 1964
Place of Birth: New Orleans, Louisiana
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 August 6, 1988, to Tammy Ensor Phillips. Never divorced; four children.
6. Have you served in the military? No.
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) Auburn University, (Auburn, Alabama) 1983-87, BA (with high honors);
(b) University of Alabama School of Law (Tuscaloosa, AL) 1988-91, 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.
(a) South Carolina (1991);
(b) Alabama (1996).
I passed both the South Carolina and Alabama Bar exams on the first attempt.
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.
(a) Auburn University Student Recruiter;
(b) Sigma Delta Pi (Spanish Honor Society);
(c) Phi Sigma Alpha (Political Science Honor Society);
(d) Bench and Bar Legal Honor Society.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Mini Summit on Justice for Children	12/02/10;
(b) 2010 Hot Tips from Coolest Domestic Practitioners	10/01/10;



- | | | |
|-----|--|-----------|
| (c) | 2009 Ethics Update | 02/17/10; |
| (d) | Greenville Co. Bar Association | 02/12/10; |
| (e) | Masters in Cross Examination | 02/06/09; |
| (f) | 2008 Family Ct. Bench & Bar | 12/05/08; |
| (g) | SCDSS OGC | 12/07/07; |
| (h) | Managing Ethical Issues | 12/19/06; |
| (i) | Mini Summit on Justice for Children | 08/22/06; |
| (j) | SCPSAC 12th Annual Colloquim | 04/06/06; |
| (k) | SCPSAC 11th Annual Colloquim | 02/24/05; |
| (l) | Hot Tips from the Coolest Domestic Practitioners | 09/23/05; |
| (m) | SCDSS OGC | 09/30/05. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- I have been a guest lecturer on the topics of family law and domestic practice for students in the Greenville Technical College paralegal program on several occasions and for a Lander University class. I have also been a lecturer in a SCDSS Office of General Counsel seminar concerning the use of hearsay statements made by children under SC Code Section 19-1-180.
12. List all published books and articles you have written and give citations and the dates of publication for each. None
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.
- (a) Admitted to practice before the State Courts of South Carolina in 1991;
- (b) Admitted to practice before the Federal District Court of SC in 1992;
- (c) Admitted to Practice before the Fourth Circuit Court of Appeals in 1993;
- (d) Admitted to practice before the State Courts of Alabama in 1996.
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) 1991-95. Associate, Haynsworth, Marion, McKay & Guerard. I was involved in an insurance defense practice with a focus on automobile accidents and coverage issues, products liability, collections and workers compensation.
- (b) 1996-2001. Partner, Hunter, Foster & Phillips. I continued in an insurance defense and collections practice, and additionally handled divorce, custody, equitable distribution, child abuse and neglect (defense) and representation of Guardians in Family Court.
- (c) 2001-present, Attorney, South Carolina Department of Social Services. I have practiced in Family Court since 2001 representing the South Carolina Department of Social Services in child abuse and neglect cases,

vulnerable adult abuse/neglect/exploitation cases, and termination of parental rights/adoption cases. I have also represented the Department in Probate Court and in the Court of Common Pleas. I additionally provide advice to the Department on legal matters and interpretation of statutes and policy provisions, and, since 2006, I have been the senior/managing attorney in the Greenville County office, with supervisory responsibility for four attorneys and five paralegals/assistants.

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

- (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

Beginning in 1996, I have represented numerous clients in cases involving divorce, equitable division of property and child custody in Family Court. These cases constituted approximately 50% of my practice prior to 1991 when I became a full time SCDSS attorney. I was fully involved in all aspects of case preparation, including preparation of affidavits and financial declarations, compiling witness lists and preparation of the witnesses for trial, child support calculations, and drafting of the Orders at the request of the Judge following the hearing. Representation of clients in those cases also involved appearances in contempt hearings and protection from domestic abuse hearings, and hearings involving child support (for a reduction in amount, an increase in amount, and/or failure to pay), and application of the Uniform Child Custody Jurisdiction Act. The divorce cases covered both fault-based grounds and one year continuous separation, annulments and bigamy situations. Additionally, I represented guardians and served myself as a guardian, in contested custody cases. I also handled name changes, adoption and emancipation cases which were sometimes related to an underlying divorce or child custody case.

In 1991, I began full-time employment with the Department of Social Services. I have since handled hundreds of cases (with trials and hearings on a weekly basis) involving all aspects of child abuse and neglect, and cases involving abuse/exploitation/neglect of vulnerable adults. In the trial of cases involving children, custody has oftentimes been both contested and litigated, both from the aspect of bringing children into foster care, and from the aspect of which parent or relative(s) would end up with custody of the child or children. The cases have consisted of almost every scenario imaginable, including sex

abuse, physical abuse, physical neglect, medical neglect, educational neglect, mental injury, financial exploitation, death of a child, excessive corporal punishment, and cases requiring the use of interpreters for all hearings (Spanish, Chinese, Russian, Central American Indian dialects, sign language). A substantial number of the cases have resulted in termination of parental rights and eventual adoption of the child/children. These cases have also required interaction with other South Carolina agencies involved with the families, such as the Department of Mental Health and the Department of Disabilities and Special Needs, and agencies in other states involving implementation of the Interstate Compact for the Placement of Children (ICPC). Not surprisingly, I have also handled many cases in which the children involved in the SCDSS case are also juvenile defendants in a case brought against them by the Solicitor's Office and involving the Department of Juvenile Justice. Oftentimes the subject juvenile defendants have been placed into foster care via emergency protective custody, or were already in foster care (foster home/group home/runaway) when they allegedly committed some crime, thus necessitating my involvement in the juvenile case.

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.?

I am not aware of any rating by a legal organization such as those listed above, perhaps because I have been employed as an attorney for the South Carolina Department of Social Services for the past ten years.

16. What was the frequency of your court appearances during the past five years?
 (a) federal: None in the past 5 years;
 (b) state: Weekly (multiple time weekly).
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%;
 (d) other: 0%.
18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
 (a) jury: 0%;
 (b) non-jury: 100%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I most often serve as sole counsel; however, as senior attorney for our SCDSS legal office, I have often appeared as co-counsel with other attorneys in complex cases.

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) SCDSS vs. Jane Doe, John Doe. This was actually a series of cases which took place over several years and involved ten children. The cases involved allegations of literally every type of abuse and neglect I have encountered in my employment as an attorney for SCDSS, and resulted in termination of parental rights.
 - (b) SCDSS vs. Jane Doe. This case involved negligence (failure to protect) and sexual abuse of a minor child. In addition to being a well contested case which involved expert testimony, it was significant in demonstrating how an otherwise able parent would continue to make poor choices which ultimately resulted in harm to the children.
 - (c) SCDSS vs. Jane Doe, John Doe, Fred Doe. This case was significant in that it involved abuse and neglect of children by several different parties and involved at trial the introduction of otherwise hearsay testimony from the children under South Carolina Code Section 19-1-180, which was heavily litigated and opposed.
 - (d) In re: Heinz Schreitmuller. This probate court case involved an elderly, vulnerable adult with a host of mental health issues and a lack of ability to live independently. The case was significant in that it dealt with issues of immigration, state and federal jurisdiction, and which state agency would assume the lead in providing services to the adult.
 - (e) SCDSS vs. Jane Doe, John Doe. This case was significant in that it involved abandonment of an infant under "Daniel's Law", a safe harbor provision allowing a parent of a newborn to abandon an infant at a hospital or similar location without fear of prosecution. Procedure under the statute required press releases, cooperation with law enforcement and hospital personnel, and ultimately termination of parental rights and adoption of the child.
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.
- (a) Kalchthaler vs. Workman, 316 S.C. 499, 450 S.E.2d 621 (Ct. App. 1994)
 - (b) Patterson vs. Reid, 318 S.C. 183, 456 S.E.2d 436 (Ct. App 1995)
 - (c) SCDSS vs. Walter, 369 S.C. 384, 631 S.E. 2d 913 (Ct. App. 2006)
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None
22. Have you ever held judicial office? No.
24. Have you ever held public office other than judicial office? No.
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. Specify your dates of employment, employer, major job responsibilities, and supervisor. Not Applicable
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Yes. I withdrew from the Family Court, 13th Judicial Circuit,

- Seat 2, judicial election on January 20, 2010, after having been selected one of the three candidates by the Judicial Merit Selection Committee.
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? Yes. I was employed as a closed loan processor for a mortgage company (MortgageAmerica, Inc.) in 1987-88 in Birmingham, Alabama.
 28. Are you now an officer or director or involved in the management of any business enterprise? No.
 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.
I am unaware of any financial arrangements or business relationships that could constitute or result in a possible conflict of interest. Explain how you would resolve any potential conflict of interest.
 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? No.
 32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
 33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.
 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? No.
 36. Have you ever been investigated by the Department of Social Services? No. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
 37. 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)? No.
 38. 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? No.
 39. 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." Please detail any knowledge you

- have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. 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.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
41. 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.
I have spent approximately \$40.00 for copy paper and an ink cartridge for my printer in February 2011.
42. 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. None
43. 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? No. 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? No.
44. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
45. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
46. 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? No.
47. 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) South Carolina Bar;
(b) Alabama Bar;
(c) Greenville County Bar.
48. 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) Boy Scouts of America (Troop 9—Buncombe Street UMC-Adult Leader) (Reedy Falls District—Eagle Scout Review Board);
(b) Public Education Partners (supports public education in Greenville Co.);
(c) A Child’s Haven (therapeutic day care provider) (board member);
(d) Buncombe Street UMC Child Development Center (board member);

- (e) Westminster Presbyterian Church Weekday School (board member);
 - (f) Palmetto Auburn Club/Auburn Alumni Association.
49. 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. None.
50. References:
- (a) Amos Workman, Esq.
Wyche, Burgess, Freeman & Parham, P.A.
P.O. Box 728
Greenville, SC 29602-0728
(864) 242-8310
 - (b) William Talbot Carter
144 Rockwood Drive
Greenville, SC 29605
(864) 277-3700
 - (c) Tim Poole
229 Dupont Drive
Greenville, SC 29607
(864) 430-1976
 - (d) Lawrence M. Hunter, Jr., Esq.
123 Broadus Avenue
Greenville, SC 29601
(864) 242-2111
 - (e) Melodie Webber
Wachovia/Wells Fargo Bank
19 West Lewis Plaza
Greenville, SC 29605
(864) 239-6914

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: Harry L. Phillips

Date: March 1, 2011