

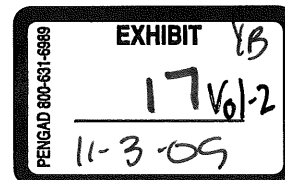
**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:  
Family Court Judge, Fifth Judicial Circuit, Seat #4

1. NAME: Ms. Lillie Currington Hart  
BUSINESS ADDRESS: P. O. Box 24465  
Columbia, SC 29224  
TELEPHONE NUMBER: (office): 803-865-1185
2. Date of Birth: 1949  
Place of Birth: Columbia, SC
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 February 9, 1973, to John David Hart, Jr. (deceased). Never divorced, two 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) University of South Carolina School Of Law, Aug. 1994–May 1997, JD;
  - (b) University of South Carolina College of Social Work, Aug. 1977–May 1979, MSW;
  - (c) University of North Carolina-Charlotte, Aug. 1974 – Dec. 1975, B.A. Psychology;
  - (d) Central Piedmont Community College, Charlotte, NC, Jan. 1972–Dec.1973, A.A.;
  - (e) Howard University, Washington, D.C., Aug. 1967–Dec.1967, Joined VISTA to do community service.
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.

South Carolina, Admitted November 1997
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.

1995 University of Michigan Child Welfare Law Program – Summer Fellowship.
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) Family Law Training                        | 03/20/09       |
| (b) Guardian ad Litem Training                 | 10/03/08       |
| (c) Hot Tips from the Coolest Domestic Lawyers | 09/10/08       |
| (d) NITA Pre-Trial Practice                    | 03/27/08       |
| (e) Defending Abuse and Neglect Cases in SC    | 08/10/07       |
| (f) SC Black Lawyers' Assn. Summit and Retreat | 09/29/06       |
| (g) Children's Issues in Family Court          | 06/07/06       |
| (h) 2005 Children's Law Conference             | 10/13/05       |
| (i) Attorney ECF Training                      | 07/07/05       |
| (j) Children's Issues in Family Court          | 03/18/05       |
| (k) Family Law Training                        | 03/04/05       |
| (l) Hot Tips from Domestic Law Practitioners   | 09/24/04       |
| (m) GAL Certification Training                 | 03/05/04       |
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.
- I have made CLE presentations on child abuse and neglect issues in the Family Court offered by Appleseed LJC and by the SC Bar;
  - I have made CLE presentations on the topics related to adoption and GAL certification for Appleseed LJC and by the SC Bar;
  - I have participated as a training attorney with Access to Justice Foundation and National Institute for Trial Advocacy to train Legal Services attorneys and SC P&A attorneys.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- Primary Prevention and Service Learning: A Partnership, (Benedict College 1992).
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 South Carolina in 1997;
  - Also admitted to practice before the United States District Court for South Carolina in 2000.
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.
- August – September 1997: Children's Law Project, USC, Columbia, SC – Research assistance to child welfare attorneys;
  - September 1997 – March 2002: Palmetto Legal Services – Representation and advocacy for low-income persons in civil actions with a concentration on cases that involved children including custody,

SSI administrative appeals, school expulsion and IDEA cases and public housing;

- (c) March 2002 – August 2002: Draper and Hart, Lexington, SC - Private practice in civil law with focus on family law and probate law;
- (d) May 2002 – October 2006: Children’s Law Office, USC School of Law – Training DSS caseworkers on preparation for testifying and presentation of evidence as witnesses in child protection and termination of parental rights hearings;
- (e) September 2002 – Present: Solo practitioner practicing almost exclusively in the family court as an advocate in the entire range of matters that come before the family court and as guardian ad litem in custody, adoption and paternity matters.

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.

Divorce and equitable distribution – I have handled approximately ninety-five (95) divorce and equitable distribution cases before the court. Most of the cases did not involve substantial property, but a few have involved substantial real and personal property, including a private retirement account that required division. I have dealt with each of the fault grounds, alimony, alimony modification, and one case that involved contest on the issue of common law marriage;

Child custody – My most extensive experience is in the area of child custody. I have been involved in more than 160 cases. I have equal experience as the advocate for parties and as guardian ad litem for children in private custody and visitation matters. I have dealt with a wide variety of custody issues including third party custodians, modification based on changed circumstances, relocation of custodians, UCCJA issues and the issue of psychological parent status;

Adoption – I have handled about twenty-seven (27) adoption cases as advocate for a party. In most cases I have represented a relative seeking to adopt a child. I have also represented biological parents who defended against the adoption and served as GAL for children in adoption cases;

Abuse and Neglect – I have been involved as counsel or GAL in approximately forty (40) abuse and neglect cases. I have represented defendants and intervening parties in about half of those cases. I have served as GAL for children and for incompetent parents in other cases.

I have also maintained detailed knowledge of this area of the law as a trainer for the Children's Law Office;

Juvenile justice – I have handled only six juvenile cases, defending the juveniles in those cases. As an attorney with the Children's Law Office, I stayed informed of juvenile law and I occasionally provide community workshops on juvenile law issues.

15. What is your rating in Martindale-Hubbell?

Though I am listed in Martindale-Hubbell, I am not rated because neither I nor any employer or partner sought the rating.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?

(a) federal: None during the past five years;

(b) state: I have averaged about eight (8) appearances per month in family court during the past five years.

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?

(a) civil: 1%;

(b) criminal: 0%;

(c) domestic: 99%.

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%.

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

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) South Carolina Department of Social Services vs. Linda Swanson, et. al., 97-DR-40-2885 consolidated with Alma Swanson vs. SCDSS, et. al. 98-DR-40-1171. I represented the Plaintiff grandmother in the second case in this consolidated matter that involved termination of parental rights and custody being sought by the grandmother. It was significant for several reasons, but most importantly because of the issue of whether or not the minor child was unavailable to testify under S.C. Code §19-1-180. Appeal of the trial court decision had to be withdrawn when the grandmother died;

(b) South Carolina DSS vs. Alina Dawson, et. al. 02-DR-32-0975X, was a child removal case that required the intervention of my client, the biological father of the children. The non-resident father had not been

named as a defendant in the case. It was significant because the agency counsel was required to recognize the importance of naming statutorily required parties in child protection actions. In this case the father, though named on the birth certificates of the children, was not afforded due process and statutory rights as the non-custodial parent when the case initially went before the court. He had to intervene and get the order of removal vacated to eventually get custody of his children;

- (c) Timothy Etherton vs. Elizabeth Etherton, 03-DR-40-0482, was a modification of custody case that related to an order issued in another state. It was significant for issues related to statutorily required procedure under the UCCJA and the court's responsibility to review the prior order and give consideration to the transcript of the record of the previous proceeding;
  - (d) Robinson and Robinson vs. Simmons, et. al., 03-DR-40-4356, was a case in which I represented the biological mother contesting termination of parental rights (TPR) and the adoption of her child. It was significant for several reasons including the determination of the ancillary issue of the Plaintiffs' requests for name change for the child despite the voluntary dismissal of the TPR and adoption claims;
  - (e) South Carolina Department of Social Services vs. Stephanie Nichols, et. al., was a case that was significant because of the substantive question of whether a non-custodial father who was granted temporary custody of the child in a removal action could be granted custody at the final permanency planning hearing. The procedural issue was determinative in that he had not cross-claimed for custody in the removal action.
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.  
I have not had the opportunity to handle a case before the appellate court. Though I have filed notice of appeal in two family court matters, both had to be withdrawn.
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. NA
22. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court. NA.
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. NA.
24. Have you ever held public office other than judicial office? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? NA.

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. NA.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Yes. In 2006, I applied for Seat # 2 on the Family Court of the Fifth Judicial Circuit and was nominated as qualified. However, I withdrew my nomination in February 2007 prior to the Legislature's election of judges because it was clear that I could not get the votes.

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.

Prior to entering the legal profession, I was a masters level social worker who worked as a professor, administrator, and clinical practitioner. I also previously worked as a bank teller and telephone operator.

(Employment History in reverse chronology from date immediately preceding entry into legal profession):

- (a) Jan.- Dec 1994 – Visiting Professor, College of Social Work, UNC, Chapel Hill, NC;
- (b) August 1993 – May 1994 – Assistant Professor, Livingstone College, Salisbury, NC;
- (c) August 1993 – May 1994 – Adjunct Professor, UNCC, Charlotte, NC;
- (d) May – Sept. 1993 – Clinical Social Worker (P-T), Charlotte-Mecklenburg Hospital Authority, Charlotte, NC;
- (e) Aug. 1989 – July 1992 – Social Work Program Director and Professor, Benedict College, Columbia, SC;
- (f) Aug. 1990 – May 1992 – P-T Social Work Instructor, College of Social Work, USC. Columbia, SC;
- (g) Sept. 1988 – Sept. 1989 – Clinical Coordinator, SC Mentor, Inc. Columbia, SC;
- (h) Sept. 1987 – Sept. 1988 – IL Program Director, South Carolina DSS, Columbia, SC;
- (i) Aug. 1983 – May 1987 – Instructor and Program Director, Sacred Heart College, Belmont, NC;
- (j) June 1979 – Aug. 1985 – Clinical Social Worker, Alexander Children's Center, Charlotte, NC;
- (k) May – Aug. 1978 – Summer Teller, First Union National Bank, Charlotte, NC;
- (l) Jan. 1976 – Aug. 1977 – Intake Technician, Mecklenburg Mental Health Center, Charlotte, NC;
- (m) 1971 – 75 – Bank Teller, NCNB, Charlotte, NC;
- (n) 1970 -71 – Bank Teller, State Street Bank & Trust, Boston, MA;
- (o) 1969- 70 – Telephone Operator, Southern Bell T&T, Charlotte, NC.

28. Are you now an officer or director or involved in the management of any business enterprise?

Yes. I am the sole owner of my solo practice and, as such, I have managed all business aspects of the practice since September 2002.

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. Explain how you would resolve any potential conflict of interest.

Excluding the financial arrangements that I have with my clients and parties for payment of fees in pending Family Court cases, I do not have and have never had any financial arrangements or business relationships that could constitute or result in possible conflict of interest if I am elected to the position as Family Court Judge. If elected Family Court Judge, I would waive any right that I might have to fees earned as a prior guardian ad litem in any Family Court case. I would also disqualify myself from hearing any case that involved parties that I had previously been involved with as counsel or guardian ad litem.

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?

Yes. I was a defendant in a 1987 foreclosure action in Mecklenburg County, North Carolina. My husband and I separated in 1987 and I left our home in Charlotte. The home was jointly titled and my husband remained in the home. Unfortunately, the financial difficulties led to his not being able to maintain the mortgage on the property and it was foreclosed and sold.

36. 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.

37. 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.

38. 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.

I have no knowledge that any such charges or allegations have ever been made against me or any other candidate.

39. 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.

I have no knowledge that any such charges or allegations have ever been made against me or any other candidate.

40. 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.

There have been no expenditures, made in furtherance of my candidacy for the position I seek, by me or by others on my behalf to this date.

41. 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.

Neither I nor anyone else on my behalf has made any contribution to any member of the General Assembly since I have given notice of my intent to seek a judgeship.

42. 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? No.

43. 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.

44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.

45. 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.

46. 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) South Carolina Black Lawyers' Association;
  - (c) Solo/Small Firms Section.
47. 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) Just 'Cause, 1999 – Present, President of the non-profit organization, 1999-2004;
  - (b) South Carolina Protection and Advocacy for People with Disabilities Board of Directors, 1999 – 2006, Chair of the Board, 2002-05;
  - (c) South Carolina Appleseed Center for Legal Justice Board of Directors, 2004-09;

48. 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.

I was selected as the 1997 Nelson Mullins Riley & Scarborough Child Welfare Law Fellow and child welfare law has been central to my legal endeavors. My entire professional life has been shaped by my interest in helping and protecting the welfare of children and I am keenly aware of the impact that judicial decisions in the Family Court have on the lives and welfare of children.

I believe that I will be a judge who is able to put a multi-dimensional perspective on the facts related to children who are subject of the judicial decisions that I am called on to make.

49. References:

- (a) Ms. Carla Beard  
Branch Manager  
6923 North Trenholm Road  
Columbia, SC 29206  
Ph.: 803-736-3110
- (b) Edna Primus, Esquire  
SC Legal Services  
P. O. Box 1445  
Columbia, SC 29202  
Ph.: 803-799-9668
- (c) Charles Boykin, Esquire  
Boykin Davis & Hawkins, LLC  
P. O. Box 11844  
Columbia, SC 29211  
Ph.: 803-254-0707
- (d) W. Lewis Burke, Esquire  
USC School of Law  
Clinical Legal Studies

Columbia, SC 29208  
Ph.: 803-777-2278  
(e) Mrs. Beverly Pittman, Director  
Project HOPE Teen Health Center  
DHEC  
P. O. Box 30218  
Columbia, SC 29230  
Ph.: 803-253-7521

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: Lillie Currington Hart

Date: 8/24/09