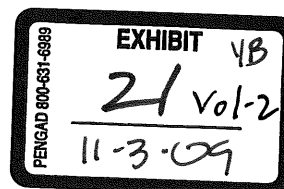


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Judge of the Family Court, Seventh Judicial Circuit, Seat 1

1. NAME: Mr. Phillip K. Sinclair
BUSINESS ADDRESS: 302 E. St. John Street
Spartanburg, SC 29302
P.O. Box 1853
Spartanburg, SC 29304
E-MAIL ADDRESS: phil@sinclaircollinslaw.com
TELEPHONE NUMBER: (office): 864-327-5108
2. Date of Birth: 1953
Place of Birth: Union, South Carolina
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 25, 1974, to Vicki Reynolds Butler Sinclair.
Never divorced, three 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) Wofford College, 1971 to 75 – BA Degree in English;
b) USC School of Law, 1975 to 78 – JD Degree.
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.
Admitted to practice law in South Carolina in 1978. No other bar Admissions.
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) Wofford College – Graduated Magna Cum Laude, member Phi Beta Kappa;
(b) USC School of Law – Legal writing instructor (1977-78).
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 Court Judges Conference | 4/30/03 |
| (b) The Probate Process | 8/22/03 |



- | | | |
|-----|---|----------|
| (c) | Hot Tips from the Best Domestic Law Practitioners | 9/19/03 |
| (d) | Complex Issues in Divorce | 5/10/04 |
| (e) | New Lawyers' Oath CLE | 7/7/04 |
| (f) | Family Court Mediation Training | 7/15/04 |
| (g) | Wofford and the Law with the Oath | 9/24/04 |
| (h) | Children's Issues in Family Court | 3/17/06 |
| (i) | Plaintiff's Personal Injury | 9/28/06 |
| (j) | Family Court Bench/Bar | 12/1/06 |
| (k) | Children's Issues in Family Court | 3/23/07 |
| (l) | Defending Abuse and Neglect | 9/21/07 |
| (m) | Tips from the Bench IV | 2/15/08 |
| (n) | Hot Tips from the Coolest Domestic Lawyers | 9/19/08 |
| (o) | Drafting Effective Wills and Trust | 10/27/08 |
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) Rutledge Business College – Taught income taxation in the early 1980's;
 - (b) Provided Legislative updates in Family Law to South Carolina Trial Lawyers on two occasions;
 - (c) Provided Legislative updates to South Carolina Family Court Judges Conference on two or three occasions.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- Currently serving on Editorial Board for a book being written by James Fletcher Thompson on Adoptions. This book is expected to be published in 2010.
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) All South Carolina State Courts from 1978 to the present;
 - (b) South Carolina Federal District Court in April, 1979. Currently on inactive status in Federal Court.
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) 1978-79 – Served as a law clerk to SC Circuit Judge Paul M. Moore. Assisted Judge Moore with legal research, preparation of Orders, etc.;
 - (b) 1979-82 -- Assistant Solicitor for the 7th Judicial Circuit. Prosecuted criminal cases primarily in General Sessions Court. Also handled preliminary hearings and occasionally handled juvenile prosecutions. During this period of time, I prosecuted or assisted in the prosecution of

virtually every type of criminal case from driving under the influence to capital murder cases;

- (c) 1982-84 -- Thompson and Sinclair. Joined Fletcher D. Thompson, an established practitioner, in his law practice. I initially handled primarily criminal defense, but gradually developed a general practice including Civil Court, Probate and Family Court.;
- (d) 1984-95 -- Thompson, Sinclair and Anderson. Mr. Thompson and I were joined in practice by David F. Anderson. My practice continued to grow and expand. During this period of time, my practice became directed more toward Family Court. Though I continued to handle criminal, civil and probate work, my practice grew to more than 50% in Family Court. During the early years, Mr. Thompson and I represented a Spartanburg automobile dealership and handled several cases in Federal Court on behalf of the dealership. Mr. Thompson also began to develop an extensive adoption practice and I assisted him in this area of practice. In 1989, we were joined in practice by James Fletcher Thompson;
- (e) 1995–98 – Thompson and Sinclair. David Anderson withdrew from our practice and continued to practice as a sole practitioner in the same location. My practice continued to grow in the area of Family Court;
- (f) 1999–2006 – Phillip K. Sinclair, LLC. I continued to practice in all Courts, but primarily in Family Court. By the late 1990's, my practice had become approximately 2/3 Family Court and the balance in civil and criminal Court with an occasional trial in Probate Court. I also served during this time in the South Carolina House of Representatives. While serving in the House, I had an associate, Angela J. Moss, who is assisted me on days when the House was in session.;
- (g) 2006 – present – Sinclair and Collins, LLC. I was joined in practice by David M. Collins, Jr. Both David and I practice heavily in Family Court, though we both work in other areas such as criminal law, Probate and occasionally in Civil Court.

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.
 1. Divorce and equitable division of property. I have practiced in the Family Court for more than 27 years. The last 15 to 20 years, I have practiced primarily in the Family Court. I currently have more than 100 open files, most of which are Family Court files. I have handled literally hundreds

of divorces and almost all actions for divorce or Decree of Separate Maintenance involve the division of property. I have handled uncontested divorces, with very little or no property and have handled marital estates valued at several million dollars;

2. Child custody. I currently have open several child custody cases. Some of my child custody cases have involved fairly novel points of law. For example, I have handled several cases involving grandparent and third party custody. Within the last year, I handled a grandparent visitation case which involved a father living in Spartanburg County and maternal grandparents (mother was deceased) who lived in North Carolina. I have tried or handled child custody cases in Spartanburg County, Union County, Cherokee County, Greenville County and Greenwood County. I would estimate that I have handled several hundred child custody cases during my legal career;
 3. Adoption. Early in my practice, my partner, Fletcher Thompson, developed an extensive adoption practice. Until 1989, I assisted him with many of those "new infant" adoptions. In 1989, we were joined in practice by his son, James Fletcher Thompson, who began to assist his father in this area. Since that time, the great majority of the adoptions I have handled have been step-parent and grandparent adoptions. While I do not have an exact number, I would estimate that I have handled in excess of 100 adoption cases;
 4. Abuse and neglect. Early in my practice, I handled a number of abuse and neglect cases. However, in recent years, my practice has been more in the area of divorce, equitable division and child custody. I still on occasion handle abuse and neglect cases. Within the last two years, I have tried an abuse and neglect case that required two days of trial. I currently have several open files that involve abuse and neglect. On many occasions, I have been hired by the parties with whom children have been placed by DSS to bring private actions for custody. These are often grandparents or other extended relatives;
 5. Juvenile Justice. Early in my career, I handled a limited number of juvenile prosecutions. I have also handled a number of defense cases involving juveniles. This has been a relatively infrequent area of practice in recent years. Within the last five years, I would estimate that I have handled no more than a dozen or so cases involving juvenile petitions.
15. What is your rating in Martindale-Hubbell? AV.

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: 0;

- (b) state: 100.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 15%;
(b) criminal: 5%;
(c) domestic: 70%.
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: 10%;
(b) non-jury: 90%.
- 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) State v. John Robert Gore, 283 SC 118, 322 SE 2nd 12 (1984). This was the first murder case where I was primary counsel for a Defendant. I had only been out of the Solicitor's Office a short time when I was associated by another attorney in this matter. I acted as chief counsel. This case was a purely circumstantial murder-arson case. My client was charged with killing a live-in girlfriend by setting the mobile home on fire in which they lived. At trial, the Defendant was questioned about a previous fire involving an earlier girlfriend. The Defendant was convicted of voluntary manslaughter and arson and received a 30 year sentence. We appealed this case and it was overturned on appeal;
- (b) West v. West, 294 SC 190, 363 SE 2nd 402 (1987). This was a Family Court case in which I represented a father seeking custody of two small children. Though there has been a trend toward more fathers seeking and receiving custody, this was one of my earlier cases in which custody of small children was awarded to a father. The Court of Appeals found that because the husband had been the primary caregiver during the months prior to the separation, the Family Court did not abuse its discretion in awarding him custody of the children;
- (c) McKeown v. McKeown, 1996 UP 00034 (Court of Appeals). This was a long and difficult trial involving a number of issues, including child custody and apportionment of marital property. At the outset of this case, the wife had taken the children and moved to another State. She was served in that State and returned for the temporary hearing. At the temporary hearing, the Court awarded custody of the children to the father. Counsel had to be retained in another State to enforce the Temporary Custody Order obtained in South Carolina. The final hearing was a three day trial. The father prevailed on the issue of custody and the case was appealed by the mother to the Court of Appeals. The father's custody was affirmed by the Appeals Court;

- (d) Smith v. Smith. (1994). This Family Court case in Spartanburg County was not appealed, so this is not a reported case. However, my client, Lonnie Smith, was a professional baseball player with the Atlanta Braves at the time I handled this case. The case was the first one that I had handled involving issues of alimony and child support where one party earned a huge income, but had a relatively short career in terms of time frame;
- (e) Price v. Price. (2007). This is a Spartanburg County Family Court case that was settled prior to trial. The case involved a long-term marriage where all of the assets had been acquired during the marriage. The major marital asset was a construction company which had been formed by the parties early in the marriage. The case involved complex issues regarding division of property and alimony. The case was settled prior to trial by mediation.
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).
- (a) West v. West, 294 SC 190, 363 SE 2nd 402 (1987). This was a Family Court case from Spartanburg County that involved issues of divorce, equitable division, child custody, child support and alimony;
- (b) McKeown v. McKeown, Unpublished Opinion #1996-UP-00034 (Court of Appeals). This was a Family Court case from Spartanburg County involving primarily the issues of child custody and child support;
- (c) Butler, et al v. Stewart, Unpublished Opinion #2004-UP-060 (2004). This was a Spartanburg County case that involved the enforcement of Restrictive Covenants.
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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).
State v. John Robert Gore, 283 SC 118, 322 SE 2nd 12 (1984).
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. No.
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. N/A.
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?
Served in the South Carolina House of Representatives, District 35, from 2001 to 2006. All Ethics Report were timely filed, with the exception of the last report due which was due on December 31, 2006. The failure to file was

an oversight on my part. Though I had left elective office, I still had a small amount of money in a campaign account. I paid a \$100 fine and filed the report on February 2, 2007.

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. N/A.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
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) I worked at various jobs during high school, college and law school. Since 1978, I have been employed full time in law related work, including private law practice for the last 27 years. I also served in the South Carolina House of Representatives from 2001 through 2006;
 - (b) Several years ago, two friends and I established an on line auction business known as eAuctionHouse, LLC. However, the business was dissolved approximately two years ago.
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. Explain how you would resolve any potential conflict of interest. None known.
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? Have you ever defaulted on a student loan? 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?
 - (a) Naomi L. Cothran, Executrix of the Estate of Mattie Elizabeth E. Lindsey v. Hilton H. Lindsey, by and through his attorney and Guardian ad Litem, Phillip Sinclair. (1988). This was an action brought in Spartanburg County against Hilton Lindsey. I was appointed as his Guardian ad Litem. The case ended with an Order in the Spartanburg Probate Court.

The case did not allege any wrongdoing on my part personally or professionally. A copy of the Final Order is attached;

- (b) Wells Fargo Bank, NA v. Brenda R. Martin, et al. (2007). This was a foreclosure action filed in Spartanburg County. I was named as a party Defendant because of a Family Court Order in which I was granted a legal fee. A copy of the Stipulation of Dismissal is attached;
 - (c) William T. Brown, III v. Amy Malloy, Fletcher D. Thompson and James F. Thompson, D/B/A Thompson and Sinclair, and "John and Jane Doe" Anderson. (1999). This was an action filed in the Anderson County Family Court that made allegations concerning my law partners. I was not personally named, though my law firm was named. A copy of the Amended Complaint is attached. The case was dismissed;
 - (d) Tina Huffstetler and Terry Huffstetler v. Thompson and Sinclair Attorneys at Law, and James Fletcher Thompson. (2001). This was an action filed in Civil Court in Richland County against my law firm and a former law partner involving allegedly negligent conduct by my former partner. I was not involved in the case and was not personally named as a Defendant. A copy of the Complaint is attached. The case was settled.
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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. 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. None known.
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. None known.
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.

Postage for letter of introduction: \$72.16.

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. None.
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? 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 Association, 1978 to present;
Fee Dispute Resolution Committee for Spartanburg County (1986 to present);
 - (b) Spartanburg County Bar Association, 1978 to present
Family Court Committee Member, 1999 to present;
 - (c) American Bar Association, 1979 to present;
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) Croft Fire Commission – 2008 to present;
 - (b) Children Come First – 2009 to present;
 - (c) Spartanburg County SAFE Homes Rape Crisis Coalition Board Member – 2008 to present;
 - (d) Cedar Spring Baptist Church – 1980 to present, Deacon, former chairman, adult Sunday school teacher, stewardship chairman, pastor search committee (chairman).
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 have practiced in the Family Court extensively for more than 27 years. During that time, I have worked with many clients who are going through stressful litigation in the Family Court. Almost every family is touched by family court litigation. Many families experience divorce, adoption or may have

a family member who is involved in the Juvenile Justice or Abuse and Neglect systems. Hence, I believe it is one of the most important courts in our unified court system. Many people form their opinion about our legal system based on what happens in a Family Court case. I believe it is important that a Family Court Judge have appropriate legal knowledge, experience and, just as importantly, an appropriate demeanor. All litigants and lawyers in Family Court should be treated with respect and courtesy. Every litigant is entitled to be heard and to come away feeling that he or she was treated fairly. I believe that I have the requisite experience, training and temperament to provide a fair trial to all litigants, applying the facts to the law, and yet maintaining the appropriate atmosphere in the Court room.

49. References:

- (a) Ben C. Harrison
P. O. Box 3547
Spartanburg, SC
864-585-5100
- (b) Robert M. Holland
P. O. Box 5506
Spartanburg, SC
864-582-0416
- (c) William Coker, Wachovia Bank
101 N. Pine Street
Spartanburg, SC
864-596-4167
- (d) James L. Jackson, Jr.
1201 Deerfield Drive
Spartanburg, SC 29302
864-583-5280
- (e) Fletcher D. Thompson
717 Springdale Drive
Spartanburg, SC 29302
864-583-4696

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: Phillip K. Sinclair

Date: 8/10/09

Judicial Merit Screening Commission
P. O. Box 142
Columbia, SC 29202

ATTENTION: Mr. JJ Gentry

RE: Personal Data Questionnaire

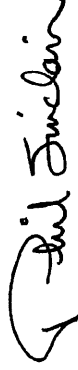
Dear Mr. Gentry:

In reviewing my application and related information in preparation for the hearing next week before the Judicial Merit Screening Commission, I found that I had provided inaccurate information in regard to Question 24 on the Personal Data Questionnaire. In Question 24, I indicated that I had paid a \$100.00 fine for late filing of an Ethics Commission Campaign Disclosure Form. Actually, the fine paid was \$110.00. Also, the answer indicates that there was still a small amount left in the campaign account. In truth, the account had been paid out in full in November, 2006. Please accept this letter as an addendum in order to correct the previous response.

If further information is needed, please contact me.

With best regards, I am

Sincerely yours,



BY: PHILLIP K. SINCLAIR

PKS:lp