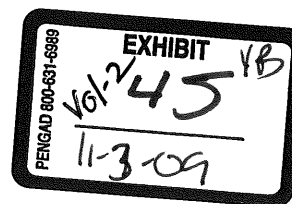


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
South Carolina Administrative Law Court, Seat #6.

1. NAME: Mr. S. Phillip Lenski
BUSINESS ADDRESS: S.C. Senate Judiciary Committee
104 Gressette Building
P.O. Box 142
Columbia, South Carolina 29202
E-MAIL ADDRESS: lenskip@scsenate.org
TELEPHONE NUMBER: (office): 803 212-6617
2. Date of Birth: 1963
Place of Birth: Iola, Kansas
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: Divorced on June 8, 1998, Kalamazoo Michigan, Circuit Court. One Year's Separation. Ms. Ashlyn Kae Kuersten was moving party. Married on November 9, 1999, to Laura Brant Lenski. Three children.
6. Have you served in the military?
I continue to serve in the United States Army Reserves. I was first commissioned a Second Lieutenant (2LT) in the United States Army on May 16, 1986. I went on active duty after graduating from law school from January 3, 1990 until August 30, 1995. I have been in the Army Reserves since that time, and am currently a Lieutenant Colonel (LTC), serving with the 12th Legal Support Organization, headquartered at Fort Jackson, South Carolina.
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 Denver, Denver, Colorado (September 1982 – June 1986); B.A. Economics and Political Science (*Cum Laude*)
 - (b) Emory University School of Law, Atlanta, Georgia (August 1986 – May 1989); J.D.
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) Member of the South Carolina Bar since 1995.
 - (b) Member of the Colorado Bar since 1989.



I am a member in good standing of both the South Carolina and Colorado Bars. I have always been a member in good standing with both the State of South Carolina and Colorado.

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.

During college I was on an Army ROTC scholarship. As a result, I was very involved with Army ROTC training activities and promotional events. I held numerous leadership positions, culminating in my becoming the cadet battalion commander (top leadership position) for my Army ROTC unit during my senior year of college. In addition to my ROTC activities, I served as a student tour guide for the University, providing on campus tours to visiting prospective students, and I held part-time positions working in restaurants.

During law school, I was a member of the Moot Court Team and participated in moot court competitions during my second year. I was awarded the Best Oral Advocate award at the Georgia Intrastate Law School Moot Court Competition held at Mercer University in Macon, Georgia. I then served as the Director of Special Teams for the Moot Court team during my third year of law school, coaching six moot court teams that participated in law school sponsored moot court competitions throughout the United States. In addition to my moot court activities, I performed part-time research for two faculty members of the law school during my first and second years of law school.

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) 12th Legal Support Organization Law of Land Warfare	4/17/04;
(b) SC Bar SC Admin. and Regulatory Law Assoc. Meeting	10/1/04;
(c) SC Senate Judiciary Court Legislative Drafting Seminar	11/2/04;
(d) US Army JAG Corps JAG Reserve Component On-Site	1/7/05;
(e) SC Bar Children Issues in Family Court	3/18/05;
(f) US Army JAG Corps Winning the Long War Law of Land Warfare	5/6/06;
(g) Lorman BCI Basic Workers' Compensation	9/27/06;
(h) SC Association of Counties Local Government Attorneys CLE	12/8/06;
(i) SCJILB Changes in Immigration Law	4/6/07;
(j) 12 th Legal Support Organization JAG Reserve Component CLE	11/16/07;
(k) SC Association of Counties 2007 SC Local Government	12/07/07;
(l) SC Solicitor's Association SC Solicitor's Assoc. Fall Conference	9/28/08;
(m) SC Admin. and Regulatory Law Assoc. The Evolving World of Admin. Law	9/19/08;
(n) SC Association of Counties SCAC Local Government Attorney's Conference	12/12/08;
(o) 213th Legal Support Organization Army Reserve CLE	2/7/09;

- (p) 12th Legal Support Organization Army Reserve CLE 4/20-21/09.
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 teaching pre-law courses to undergraduate students at the Shaw Air Force Base extension campus of St. Leo University since 2000. I have taught the following courses: Criminal Law, Criminal Procedure, Constitutional Law, Business Law, Law Enforcement, and Employment Law. I generally teach three classes per year at St. Leo University.

In March of 2005, I lectured on current legislation pending in the SC General Assembly relating to Family Court at a CLE sponsored event by the SC Bar.

In April of 2007 I lectured at a continuing legal education seminar sponsored by the South Carolina Journal of International Law and Business on the South Carolina Immigration Reform Act.

In 2008 I gave four lectures at the University of South Carolina to undergraduate business and political science majors on the recently enacted South Carolina Immigration Reform Act of 2008. I lectured to two separate classes of business students and two separate classes of political science students.

In October of 2008 I lectured about the legislative process and the role of attorneys to a law school class at the University of South Carolina School of Law.

In October of 2008, I also gave a lecture at the South Carolina Solicitor's Conference about the newly enacted South Carolina Illegal Immigration Reform Act.

For nearly twenty years, while serving as a Judge Advocate for the United States Army, both while on active duty and in my current capacity as a Reserve officer, I have provided dozens of briefings and lectures on subjects such as military criminal law, military justice, military administrative law, personnel law, claims processing, and federal legal benefits and protections for Reserve and National Guard soldiers who are called to active duty and deployed in support of military operations in the United States or overseas.

12. List all published books and articles you have written and give citations and the dates of publication for each.

I have not published any articles or books.

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) South Carolina Supreme Court (June 13, 1995);
- (b) Colorado Supreme Court (October 25, 1989);
- (c) United State District Court for the District of Colorado (November 28, 1989);

- (d) United States Court of Military Appeals (now called the Court of Appeals for the Armed Forces) (April 1, 1990);
 - (e) United States District Court for the District of South Carolina (June 3, 2009).
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) United States Army, Judge Advocate General's Corps, Active Duty, January 1990 - August 1995. I served in numerous capacities during nearly six years on active duty as a JAG officer in the U.S. Army. I served as a Defense Counsel and Administrative Law Attorney from 1990 - 1993 while stationed at Fort Richardson, Alaska. I represented soldiers at all levels of courts-martial in forty-five cases for offenses including rape, child sexual abuse, drug distribution, drunk driving, aggravated assault, and economic crimes. As an administrative law attorney, I directly supervised one attorney and one support staff member, and I provided legal representation to commanders in the areas of real property law, administration of Army Regulations, environmental law, and legal issues involving the day-to-day operation of the installation. I provided instruction to soldiers in the area of the code of conduct and the law of war. I served as Chief, Criminal Law Division while stationed at Fort Jackson, South Carolina from 1993 - 1995. While there, I directly supervised and managed the caseloads of three attorneys and three support staff members. I served as lead prosecutor in five jury trials, and provided guidance to junior counsel in twelve other trials. I tried cases with charges including involuntary manslaughter, felony drunk driving and rape. I provided legal instruction to soldiers in the area of criminal law and the law of war.
 - (b) United States Army, Judge Advocate General's Corps, Reserve Duty, January 1996 to present. I have served as a Judge Advocate for the United States Army Reserves since January of 1996. In that part-time capacity, I have held numerous positions and served in many capacities. I conducted numerous administrative separation boards for Reserve soldiers who committed various acts of misconduct including illegal drug use and being convicted of crimes in civilian courts. I have provided legal assistance to over one thousand soldiers and family members in the area of estate planning, debtor/creditor law, family law, and administrative law. I have served as a training officer, a mobilization officer, and am currently a Deputy Commander of my Reserve Unit. In February of 2003 I was activated and mobilized to Kuwait, and then Iraq, where I served as the chief prosecutor for the Coalition Forces Land Component Command, which was the Joint Command that invaded and occupied Iraq. As the chief prosecutor, I

tried fifteen general courts-martial and advised on over two dozen other courts-martial pending in the theater of operations. I tried the first five courts-martial in a combat zone since Vietnam. I also was the lead prosecutor on the first prisoner abuse cases reported during the Iraq war, which occurred at Camp Bucca, Iraq (Southern Iraq outside the city of Um Quasr) in May of 2003.

- (c) Associate General Counsel, South Carolina Department of Insurance, December 1995-February 1997. Senior Staff Attorney at the Department and worked directly for the General Counsel. I managed a junior counsel and an administrative specialist. I was responsible for all legal aspects of the regulation of the insurance industry in South Carolina. I drafted legislation, litigated rate hearings and administrative disciplinary actions, and provided legal opinions to department administrators.
- (d) Adjunct Professor, Saint Leo University, Shaw Air Force Base Campus, Sumter, South Carolina, January 2002-Present. I teach undergraduate level law courses to students of the University in an adjunct capacity. Courses include criminal law, criminal procedure, and introduction to law and the legal process.
- (e) Associate General Counsel, South Carolina Department of Labor, Licensing and Regulation, February 1997 - October 2002. I provided all litigation support to eleven state regulatory boards, including the South Carolina Real Estate Commission, the Contractor's Licensing Board, the Board of Architectural Examiners, and the Board of Engineers and Land Surveyors. I was responsible for all litigation for my boards, including prosecuting disciplinary hearings and handling all appeals at all levels of State and Federal Courts. Provided assistance in drafting and reviewing proposed legislation for the boards.
- (f) Counsel to the Clerk, South Carolina Senate. October 2002 - September 2004. I provided legal support to the Clerk of the South Carolina Senate, Senators, and to the Senate Committees. My duties included providing general legal research for Senators and Committees, researching and drafting legislation and amendments, and providing litigation services in all cases where the Senate was a party.
- (g) Staff Attorney, South Carolina Senate Judiciary Committee. September 2004 - Present. I provide legal support to the largest committee of the South Carolina Senate. My duties included researching and drafting legislation, amendments, and legal memoranda for the President *Pro Tempore* of the South Carolina Senate and the members of the Committee. My additional duties include tracking and managing legislation through the legislative process.

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 Administrative Law Judge, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Judge Division.

The majority of my legal experience has been before the Administrative Law Court. When I first began practicing in South Carolina in 1995 after leaving active duty in the Army, I was a staff attorney at the South Carolina Department of Insurance. In that capacity I conducted disciplinary hearings and insurance rate hearings before the Administrative Law Court. At that time I appeared at the Administrative Law Court on a monthly basis for either an insurance agent/broker disciplinary hearing, or for an insurance rate hearing.

From 1997 through 2002 I was a staff counsel for the South Carolina Department of Labor, Licensing and Regulation. During those years I represented more than twelve licensing boards, including the Real Estate Commission, the Contractor's Licensing Board, the Board of Architectural Examiners, the Board of Engineering, the Board of Nursing, and the Board of Accountancy. I handled all of the disciplinary actions for those boards, as well as appeals of the boards' actions, which were held before the Administrative Law Court. During those six years, I appeared before the Administrative Law Court for appeals of disciplinary actions on an average of twice a month.

15. What is your rating in Martindale-Hubbell?

Although I am listed in Martindale-Hubbell, I am not rated. I do not know the reason I am not rated.

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:

(b) state:

Since October 2002, I have been employed as an attorney for the South Carolina Senate. In my capacity as Counsel to the Clerk, I was one of the counsel involved in the case of *Sloan v. Wilkins*, 362 S.C. 430, 608 S.E.2d 579 (2005). which case was heard by the South Carolina Supreme Court in 2004 and decided in 2005. However, aside from that case, my practice has not involved making court appearances since 2003.

From 1996 through 2002, when I served as staff counsel for the Department of Insurance and then the Department of Labor Licensing and Regulation, I appeared exclusively before state courts on a weekly basis.

My answers to the remaining questions regarding my court appearances and caseload apply to the period of time when I was conducting litigation as a staff counsel for the Department of Insurance and the Department of Labor, Licensing and Regulation from 1996 – 2002.

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

- (a) civil: (administrative) – 95%;
- (b) criminal:
- (c) domestic: Less than 5% (court appointments in DSS matters).

Since 1995, my only criminal experience has been when I served as a prosecutor in the Army in Iraq and Kuwait in 2003, where I prosecuted fifteen courts-martial (federal court) over a seven month period.

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:
- (b) non-jury: 100%.

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

During the period of time when I was conducting litigation as a staff counsel for the Department of Insurance and the Department of Labor, Licensing and Regulation from 1996 – 2002, all of my litigation work was before the various licensing boards at LLR, the Administrative Law Court, or one of the Circuit Courts. All of the proceedings were non-jury. In the vast majority of the cases, I was the sole counsel; however, there were a few cases where I served as a co-counsel.

During the period of time that I served as a prosecutor in the Army in Iraq and Kuwait in 2003, I prosecuted fifteen courts-martial (criminal proceedings). Eight of those were jury trials. I was the sole prosecutor for ten of the cases, and served as co-counsel for five of them.

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) Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579 (2005). This case, held in the original jurisdiction of the Supreme Court of South Carolina, addressed the “one subject” requirement in the South Carolina Constitution mandating that all legislation enacted by the General Assembly must be about one subject. The General Assembly was sued by an individual who claimed that a large piece of legislation enacted in 2004 violated the one subject requirement, and I was one of the attorneys who represented the General Assembly in the ensuing litigation. The Supreme Court’s order in that case represented the latest interpretation of that constitutional provision.

- (b) U.S. v. Gorman, U.S. v. Canjar, and U.S. v. Edmunds (May – August 2003). These cases were unreported general courts-martial (criminal

proceedings) filed in southern Iraq against 3 soldiers from the 800th Military Police Brigade in June of 2003. These were the first prisoner abuse cases filed against U.S. military personnel (pre Abu-Ghraib). I was the chief prosecutor who led the investigation, filed the charges, and conducted the pre-trial hearings pursuant to Article 32 of the Uniform Code of Military Justice (tantamount to grand jury proceedings). These cases were the most difficult I have ever handled. Logistically, I had to conduct a detailed criminal investigation at a prisoner of war camp located in a combat zone. I had to arrange counsel for the soldiers and schedule their travel from Germany, into Kuwait, and then across the border into Iraq. I had to locate and arrange the transportation of witnesses from across the area of combat operations, and I had to conduct a detailed pre-trial hearing, complete with international media scrutiny, in a tent city constructed at the prisoner of war camp. The cases were ultimately pleaded out, and the soldiers were all discharged.

- (c) SCDLLR (Real Estate Commission) v. James E. MacDonald, (97 ALJ 11 0374 IJ, 97 ALJ 11 0598 AP, 99 ALJ 11-0527 AP). This case, or rather, series of cases involving a South Carolina Real Estate broker, was ultimately a very important decision in professional licensing law in that it demonstrated that professional licensing boards could ultimately force disciplined licensees to stop engaging in the unlicensed practice of their profession. In this case, the Respondent continued to practice real estate despite his license being revoked and no stay being granted. Ultimately, after being ordered by the Administrative Law Court to cease and desist, I brought the Respondent back before the Administrative Law Court and proved that he had violated the court's order. For the first time in the history of the Administrative Law Court, the Respondent was held in contempt and sent to jail. This case has been used in numerous continuing legal education seminars discussing the power of the Administrative Law Court.
- (d) SCDLLR (Board of Veterinary Medicine) v. Stan Gorlitsky, D.V.M., (01-ALJ-11-0403-AP). This was a case before the Board of Veterinary Medicine. The case was significant because it received a huge amount of publicity in both Columbia and Charleston, where the veterinarian was practicing, which made the investigation and prosecution of the complaint very difficult. The case involved numerous allegations of maltreatment of animals by the Respondent. The Board suspended the license of the Respondent, and I was able to successfully get the appeal dismissed for untimely filing.
- (e) W.F. Hewitt and Associates v. SCDLLR (Contractor's Licensing Board), (91-ALJ-11-0486-AP). This case was significant because in this case the Contractor's Licensing Board determined that, in addition to other misconduct committed by a licensed contractor, the failure of a general

contractor to pay his sub-contractors, even when he was not paid by the homeowner himself, constituted misconduct. On appeal, the Administrative Law Court upheld the decision of the Board on this issue.

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) James E. MacDonald v. SCDLLR (Real Estate Commission), (before the Administrative Law Court on appeal from the Real Estate Commission) (multiple appeals):
97 ALJ 11 0598 AP, dates of decisions – 3/25/98 and 8/20/98;
99 ALJ 11-0527 AP, date of decision – 10/27/99.
 - (b) Stephen P. Herlong v. SCDLLR, (before the Administrative Law Court on appeal from the Board of Architectural Examiners), 00-ALJ-11-0001-AP, date of decision – 1/9/2001.
 - (c) James F. Johnston, III v. SCDLLR, (before the Administrative Law Court on appeal from the Real Estate Appraiser's Board), 01-ALJ-0015-AP, date of decision – 8/8/2001 (my client was ultimately successful before the South Carolina Supreme Court [365 S.C. 293, 617 S.E.2d 363 (2005)], and while I worked on this appeal through the Circuit Court, I left the agency before the final decision was rendered by the Supreme Court.
 - (d) Mary C. Hofer v. SCDLLR, (before the Administrative Law Court on appeal from the Real Estate Commission), 01-ALJ-11-0127-AP, date of decision – 3/20/2002.
 - (e) Thomas P. Smarsh, RN v. SCDLLR (before the Administrative Law Court on appeal from the Nursing Board), 01-ALJ-11-0255-AP, date of decision – 12/7/2001.
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).
- I have not handled criminal appeals except as a law clerk.
22. Have you ever held judicial office?
- I have never held judicial office.
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.
24. Have you ever held public office other than judicial office?
- I have never held public office.
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.

I have never served as a judge.

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

Yes. I was a candidate for the Administrative Law Court, Seat Number 5, in the Spring of 2009.

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?

Aside from my years as a soldier where I served as a Judge Advocate and which I have previously described in detail, I have not engaged in any occupation, business, or profession other than the practice of law.

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.

I am not aware of any financial arrangement or business relationship that I have or have had that could constitute or result in a possible 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. I have been cited for minor traffic violations and paid fines; however, none of them exceeded \$125.00.

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? No.

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 do not have any charges or allegations of any nature pending against me.

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 am unaware of any charges or informal allegations.

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.
- (a) Printing of personal information cards, August 2009, - \$94.00;
 - (b) Stamps, August 2009 - \$96.00;
 - (c) Stationary, August 2009 - \$88.00.

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.

I have received no contributions and none have been made on my behalf.

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?

I have not directly or indirectly sought the pledge of any member of the General Assembly as to my campaign for the Administrative Law Court.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

I have not asked a friend or colleague to contact a member of the General Assembly on my behalf, and am unaware of anyone initiating such contact.

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 (member since 1995);
 - (b) Richland County Bar Association (member since 1995);
 - (c) Colorado Bar (member since 1989);
 - (d) Colorado Bar Association (member since 1989).

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.

I am an adjunct professor at St. Leo University's Shaw Air Force Base campus where I teach pre-law classes in the evening.

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.

Since I began my legal career upon entering law school, I have attempted to take advantage of every opportunity to develop my legal skills as broadly as possible. I have always believed that wisdom and understanding are learned through a life full of many and varied experiences. In law school, I tried to gain experience in as many areas of the law as possible. I worked for a criminal defense lawyer in Charleston, South Carolina, after my first year of law school, and then for an insurance defense firm in Denver, Colorado the following summer. During school, I worked for a professor researching corporate law issues, and I was a member of, and ultimately an officer of the Emory Law School Moot Court team.

After graduation, I served my country on active duty for nearly six years as a Judge Advocate for the U.S. Army. I practiced criminal law, administrative law, environmental law, labor law, and I assisted soldiers with trust and estate matters, consumer credit problems, and landlord tenant issues. When I decided to leave active duty and practice law in South Carolina, I began practicing administrative law with the Department of Insurance. I learned a tremendous amount about administrative law and the Administrative Law Court, and it was during those eighteen months that I developed an interest in the Administrative Law Court. At my next position with the Department of Labor, Licensing and Regulation (LLR), I regularly appeared before the Administrative Law Court, and as my knowledge of and experience before the court grew, so did my interest in it.

In late 2002, I left LLR to take a position with the South Carolina Senate. While my new position, as well as my service in Iraq and Kuwait in 2003, took me away from practicing directly before the Administrative Law Court, I have still been actively involved with the court in that I have drafted numerous statutes to amend various parts of the Administrative Procedures Act. I have maintained both my interest in and knowledge of the court by

participating in administrative law continuing legal education seminars. My position on the Senate Judiciary Committee has given me a very broad view of the entire judicial system in South Carolina, including the Administrative Law Court. Therefore, while it has been some years since I tried cases in the Administrative Law Court, I believe that my years in the Senate have given me a richer understanding of the court and the various individuals, groups, and agencies who appear before the judges.

I believe that all of my experiences, coupled with my longstanding and strong interest in administrative law the Administrative Law Court, will enable me to be a professional, competent, and understanding jurist. I appreciate the time the Commission has spent considering my application, and I look forward to answering any questions any member of the Commission may have about me or my desire to serve our state as the next Administrative Law Court judge.

49. References:

- (a) Thomas Stowe Mullikin
Moore and Van Allen, PLLC
100 N. Tryon Street, Suite 4700
Charlotte, NC 28202
(704) 331- 1000
- (b) William Clyde "Sonny" Barnes, Jr.
Turner, Padgett, Graham, and Laney, PA
P. O. Box 5478
Florence, SC 29502
(843) 656-4443
- (c) Alicia K. Clawson
Allen, Kopet and Associates, PLLC
P. O. Box 1481
Columbia, SC 29202
(803) 714-9606
- (d) Richard Wayne Simmons, II
McWhirter, Bellinger and Associates, P.A.
485 N. Lafayette Drive
Sumter, SC 29150
(803) 252-0497
- (e) Bank of America
1301 Gervais Street
Columbia, SC 29201
(803) 929-5671

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: S. Phillip Lenski

Date: August 16, 2009