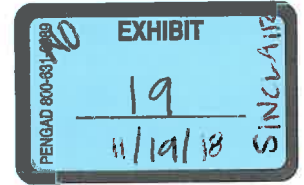


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying:

1. Name: The Honorable Phillip K. Sinclair

Name that you are known by if different from above
(Example: A Nickname): Phil Sinclair

Are you currently serving in some capacity as a judge?
(Includes Municipal, Magistrate, Etc.) Family Court, Seventh Judicial Circuit, Seat One

Home Address: [REDACTED]

Business Address: Spartanburg Judicial Circuit, 180 Magnolia Street, Spartanburg, SC 29306

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 864-596-2095
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1953
Place of Birth: Union, South Carolina
Social Security Number: [REDACTED]

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

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number: [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge. No

6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

- (a) Married May 25, 1974, to (b) Vicki Reynolds Butler Sinclair
- (c) Never divorced
- (d) Three Children:



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 1975 – BA Degree in English.
- (b) USC School of Law, 1975-1978 – JD Degree.

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

Legal writing instructor – 1977-1978.

9. 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. Please indicate the number of times you took the exam in each state.

Admitted to practice law in South Carolina in 1978. Took the South Carolina Bar Exam one time. Have taken no other bar exams and have not applied for admission in any other state.

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

1. 1978-1979 -- Served as a law clerk for SC Circuit Judge Paul M. Moore. Assisted Judge Moore with legal research, preparation of orders, etc.
2. 1979-1982 – Assistant Solicitor for the Seventh 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.
3. 1982-1984 – Thompson and Sinclair, Attorneys at Law. 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.

4. 1984-1995 – Thompson, Sinclair and Anderson, Attorneys at Law. Mr. Thompson and I were joined in practice by David F. Anderson. Though I continued to handle criminal, civil and probate work during this period, more than fifty percent of my time was spent 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 by James Fletcher Thompson.
5. 1995-1998 – Thompson and Sinclair, Attorneys at Law. David Anderson withdrew from our practice and continued as a sole practitioner in the same location. My practice continued to expand in the area of Family Court.
6. 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 two-thirds 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 assisted me on days when the House was in session.
7. 2006-2010 – Sinclair and Collins, LLC. I was joined in practice by David M. Collins, Jr. Both David and I practiced heavily in Family Court, though we both worked in other areas such as criminal law, probate and occasionally in civil law.

In all of the firms I was a part of from 1982 until I left private practice, I was intimately involved in the administrative and financial management of the law firm.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:
 - (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 and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.

 - (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.

 - (d) If you are a candidate for Administrative Law Court, 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 or Circuit Court within the past five years.
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal:
 - (b) state:
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil:
 - (b) criminal:
 - (c) domestic:
 - (d) other:
14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury:
 - (b) non-jury:

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

15. 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)
 - (b)
 - (c)
 - (d)
 - (e)

16. 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)
 - (b)
 - (c)
 - (d)
 - (e)

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

The only judicial office I have ever held is that of Family Court Judge, Seventh Judicial Circuit, Seat One, from July 2010, to the present.

19. If the answer to question 18 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.

(a) Alukonis v. Smith – Case number 2015-DR-42-2977

(b) McLeod v. Starnes – 396 S.C. 647, 723 S.E.2nd 198 (S.Ct. 2012)

After this case was heard by the Supreme Court, it was remanded to the Trial Judge, who issued another Order. The Trial Judge retired before motions to reconsider

could be heard. I was assigned to hear and decide the motions for reconsideration. My order was not appealed.

(c) Directo v. Department of Social Services – Case number 2016-DR-42-1529

(d) In the Interest of Justin B, a Juvenile under the age of seventeen, Appellant – 419 S.C. 575, 799 S.E.2nd 675 (S.Ct. 2017)

(e) South Carolina Department of Social Services v. Destiny McDade and Jonathan Riemann – Op. No. 2017-UP-468 (S.C. Ct. App. filed December 20, 2017)

20. 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 present.

(b) South Carolina Federal District Court in April 1979. Currently on inactive status in Federal Court.

21. 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 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.

(d) Panelist at CLE “What Family Court Judges Want You to Know”.

(e) Panelist at S.C.A.J. CLE.

(f) Spoke on “Temporary Hearings” at CLE sponsored by Spartanburg County Bar Association.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See separate Attachment A (CLE Report for the last five years).

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

None.

Served on editorial board of "Adoption Law in South Carolina" by James Fletcher Thompson.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

Inapplicable.

25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

My last rating in Martindale-Hubbell was AV. None other.

26. 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 (1986-2010).

(b) Spartanburg County Bar Association, 1978 to present.

Family Court Committee Member (1999-2010).

(c) American Bar Association (1979-2010).

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. 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? If so, give details, including dates.

I served in the South Carolina House of Representatives, District 35, from 2001 to 2006. All Ethics Reports 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.

28. For sitting or former judges, 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.

None

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No

30. 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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

(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 28 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 online auction business known as eAuctionHouse, LLC. However, the business was dissolved approximately 10 years ago.

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

No

32. 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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No

33. Provide, as a **separate attachment**, a complete, current financial net worth statement that itemizes in detail:

(a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and

- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

A complete, current financial net worth statement was provided to the Commission.

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

34. 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? If so, give details.

No

35. 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

36. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

I have paid my former legal secretary \$250 for her help in preparing my application. This fee has been reported to the House and Senate Ethics Committee.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

None

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No

39. 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 or currently hold. Explain how you would resolve any potential conflict of interest.

None known.

40. Describe any interest you or a member of your immediate family has in real property:

- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency; None
- (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or None
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina. None

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

None

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

Account records included as Attachment B

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

No

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

No

45. 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? If so, give details but do not include traffic violations which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client, but have been named a party in four civil lawsuits. These were previously reported and are summarized below:

- (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 (1986-ES-42-1158). 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-CP-42-2754). 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-DR-42-0129). 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-CP-40-4544). 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. This case was settled.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

When I left private practice in 2010, I purchased a tail policy through my professional liability carrier. It is my understanding that I remain covered for anything prior to leaving practice that is discovered thereafter.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMISC Rule 24, and (3) informal opinions and letters concerning pledging

prohibitions, with which third parties acting on your behalf, as well as you, must comply.

51. 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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details.

No

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

(a) Danny Holcombe
Holcombe, Holtzclaw, and Ravan
Post Office Box 6305
Spartanburg SC 29304-6305
864-574-7787

- (b) Ben Harrison
Harrison White, P.C.
Post Office Box 3547
Spartanburg SC 29304
864-585-5100
- (c) Rev. M. Todd Lowe
Cedar Spring Baptist Church
140 Cedar Spring Place
Spartanburg SC 29302
864-585-5526
- (d) Danny Smith
Smith Legal Group, P.C.
276 Magnolia Street
Spartanburg SC 29306
864-708-2033
- (e) Andrew Poliakoff
Attorney at Law
Post Office Box 3525
Spartanburg SC 29304-3525
864-583-8212

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

No

57. 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) None
- (b)
- (c)

58. 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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I practiced extensively in the Family Court for more than twenty-eight years before becoming a Family Court Judge. The work done in Family Court is extremely important and often deals with the most sensitive issues of people's lives. It is critical that a Family Court Judge be knowledgeable and competent as well as patient and compassionate. I believe that my education, experience and temperament are a good fit with the Family Court. I enjoy the work that I do as a Family Court Judge and would like to continue my service, if possible. It has been an honor to serve as a Family Court Judge.

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: _____

Sworn to before me this ____ day of _____, 2018.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____