



**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Family Court**  
**(Incumbent)**

Full Name: David Earl Phillips

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1. Why do you want to serve another term as a Family Court judge?

In my sworn statements from 2012 and 2018, I stated that I believe families are the fabric of our community and that the Family Court Judges of our state have a great opportunity to positively impact each family that comes before the Family Court. My experience over the course of the last eleven years has proven this to be true. Whether the case involves child custody, juvenile delinquency, abuse or neglect of a child, a vulnerable adult, protection from domestic abuse, child support, divorce, equitable apportionment, spousal support or enforcement of a prior order, the family court judge has the opportunity to positively impact the lives of those who come before the court. As I continue to build upon the experience I have gained in my first two terms as a family court judge, I will continue to seek to improve the lives of the families who are touched by the family court.

2. Do you plan to serve your full term if re-elected? Yes.

3. Do you have any plans to return to private practice one day? No.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications should be avoided except as allowed by rule or statute. My experience has been that such circumstances are few when compared to the large number of cases filed in the Family Court. Additionally, the scope of the ex parte contact is limited to such communication as is necessary to present the need for emergency relief to the Family Court Judge.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

A judge should disqualify himself in a proceeding where his impartiality might reasonably be questioned. I would grant such a motion to avoid even the appearance of impropriety.

7. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would recuse myself from presiding over cases in which my spouse or close relative had any financial or significant social involvement. In cases where the social involvement was limited, I would disclose such a relationship to all parties on the record and would allow them to consider the disclosure outside my presence with their attorneys if they have them. If anyone moved for my recusal, I would grant such a motion.

8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I would not accept gifts or hospitality from anyone who is not a close friend and would not accept any gift from anyone where the gift is not commensurate with the occasion or where accepting such a gift might reasonably appear improper. If an occasion arose where I had doubt as to the propriety of the situation, I would decline the gift and/or hospitality.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I would report any misconduct. I would carefully scrutinize any appearance of infirmity of any lawyer or judge to be sure of the existence of the infirmity; however, if appropriate, I would report the infirmity.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

No.

11. Do you have any business activities that you have remained involved with since your election to the bench?

No.

12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

In most cases, I instruct the attorney for one of the parties to prepare a proposed order and provide it for review to all other litigants prior to submitting the proposed order to me for signing. In many cases, I draft detailed written instructions containing my findings of fact and conclusions of law and instruct the attorney drafting the proposed order to include these findings in the draft. I review the proposed orders carefully before signing. In appropriate cases, I draft the order in its entirety personally.

13. What methods do you use to ensure that you and your staff meet deadlines?

My administrative assistant uses a computerized system to be sure that deadlines are being met. I created a database system using Excel to keep track of orders that have been signed and proposed orders I am waiting on. The data base may be queried by field to track orders that are due. My administrative assistant diligently tracks these orders and calls the attorney who was instructed to prepare the proposed order if there are deadlines approaching and the order has not been received.

14. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

Upon appointment of a guardian ad litem, I include in the order of appointment instructions outlining the duties required in the guardian ad litem statutes. Additionally, the guardian ad litem appointed should submit to the court and the parties an affidavit that he/she has the qualifications to serve in that capacity.

15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

I would not engage in judicial activism. I would apply the laws enacted by our legislative branch as construed by our appellate courts.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I continue to make myself available to speak to organizations for the benefit of the bar in the area of family law. I have spoken at bar CLE events on a number of occasions during my first two terms and will continue to make myself available for these programs.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

I have not suffered any significant strain on my personal relationships as a result of serving as a judge. My family and friends have been very supportive of me. I pray daily for wisdom in carrying out the duties of this office which gives me great comfort even when faced with difficult decisions.

18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.

19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No.

20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge should be firm but fair and should also be civil, respectful and courteous to those who come before the court. I believe these rules apply at all times for a judge.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I do not believe anger is appropriate in a courtroom. As members of the bar, we are required to conduct ourselves with civility.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Print name)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_