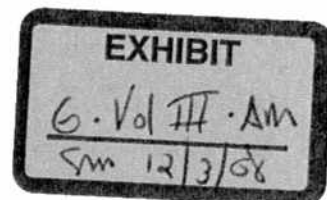


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court, 10th Judicial Circuit, Seat 1

1. NAME: Mr. M. Scott McElhannon
BUSINESS ADDRESS: 10th Circuit Solicitor's Office
P.O. Box 8002
Anderson, South Carolina 29622
E-MAIL ADDRESS: smcelhannon@sol10th.com
BUSINESS NUMBER: (864) 260-4276
2. Date of Birth: 1962
Place of Birth: Atlanta, Georgia
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 August 15, 1992, to Shirley Hull McElhannon.
Never divorced. One child.
6. Have you served in the military? Not applicable.
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) Presbyterian College [1980-84] Bachelor of Science;
(b) University of South Carolina School of Law [1985-88] Juris Doctorate.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina, 1988.
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.
Presbyterian College track team member [1983 and 1984].
10. Describe your continuing legal or judicial education during the past five years.
- | | <u>Conference/CLE Name</u> | <u>Date(s)</u> |
|-----|-------------------------------|----------------|
| (a) | Annual Solicitor's Conference | 09/23-26/07; |
| (b) | Annual Solicitor's Conference | 09/24-27/06; |
| (c) | Annual Solicitor's Conference | 09/25-28/05; |
| (d) | Annual Solicitor's Conference | 09/26-29/04; |
| (e) | Annual Solicitor's Conference | 09/27-30/03; |
| (f) | Capital Litigation Seminar | 08/21-22/08. |



11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
 - (a) Spoke at a juvenile crime seminar in Biloxi, Mississippi.;
 - (b) Panel Member for juvenile prosecution seminar at Solicitor's Conference.
12. List all published books and articles you have written and give citations and the dates of publication for each. Not applicable.
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 - November 16, 1988.;
 - (b) United States District Court - September 27, 1996.
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) Dowling, Sanders, Dukes, Svalina & Williams;
 - (b) Beaufort, South Carolina, August 1988 – April 1989;
 - (c) Associate attorney practicing in Family Court, General Sessions, Common Pleas;
 - (d) Svalina, Richardson & Smith, April 1989 – November 1990
Beaufort, South Carolina;
 - (e) Associate attorney practicing in Family Court, General Sessions, Common Pleas;
 - (f) M. Scott McElhannon, Attorney at Law, Honea Path, South Carolina, January 1991 – March 1992;
 - (g) Sole practitioner practicing in Family Court, General Sessions, Common Pleas;
 - (h) Law Office of Raymond MacKay, Anderson, South Carolina, April 1992 – June 1995;
 - (i) Associate attorney practicing in Family Court, General Sessions, Common Pleas;
 - (j) M. Scott McElhannon, Attorney at Law, Anderson, South Carolina, July 1995 – December 1999;
 - (k) Sole practitioner practicing in Family Court, General Sessions, Common Pleas. During this period I was also a contract Public Defender handling juvenile cases in Family Court.;
 - (l) 10th Circuit Solicitor's Office, Assistant Solicitor, Anderson, South Carolina, January 2000 – Present;
 - (m) From January 2000 to June 2005 I handled all juvenile cases in Family Court;
 - (n) From June 2005 to the present, I have handled General Sessions cases and filled in for Juvenile Court when needed.

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.

- (a) Divorce and equitable division of property: While in private practice from 1988 to 2000 I handled divorce cases in which equitable division of property was an issue. In most cases, a property settlement agreement was reached. In some cases this issue was contested and tried before a Family Court judge.;
- (b) Child custody: I have handled numerous cases in which child custody was an issue. I have also been the guardian ad litem for children in numerous custody cases.;
- (c) Adoption: I have represented parents adopting children. I have served as guardian ad litem for children in adoption cases.;
- (d) Abuse and neglect: I have represented parents in abuse and neglect cases, and have served as attorney for the guardian ad litem in these cases.;
- (e) Juvenile justice: I have extensive experience in Juvenile Court. I have defended juveniles in private practice as well as contract Public Defender for two [2] years. I prosecuted juveniles as Assistant Solicitor for five and a half [5 ½] years. I have handled virtually every type of case in Juvenile Court, including two cases in which the juvenile was waived to General Sessions Court on the charge of murder. In 2001, I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution in Family Court.

15. What is your rating in Martindale-Hubbell? I am not listed in Martindale Hubbell. I have never attempted to be listed.

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

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none;
 - (b) state: While handling all Juvenile Court matters as an Assistant Solicitor I was in Court several times a week, including almost every Wednesday which was Juvenile Court day in Anderson County. I prosecuted in Juvenile Court for five and a half [5 ½] years. As an Assistant Solicitor handling General Sessions matters I am in Court every term of Court which is normally two [2] weeks each month. I have been doing this in excess of three [3] years.

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

(a) civil: 2% [civil forfeitures];

(b) criminal: 98%;

(c) domestic: .

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?

(a) jury: 2%;

(b) non-jury: 98%.

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

I served as sole counsel in a murder case and drug cases in General Sessions Court. I served as chief counsel in other murder trials. I served as associate counsel in numerous other trials [murders, criminal sexual conduct, drugs]. While serving as Assistant Solicitor handling Juvenile Court matters I was the sole counsel in every case.

19. List five of the most significant litigated matters that 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. Braxton J. Bell , 374 S.C. 136, 646 S.E. 2nd 888

This was a murder case in which the defendant attempted to have the 10th Circuit Solicitor's Office disqualified from prosecuting on the basis of a conflict of interest. The Court found that there was no conflict of interest. The defendant also appealed because the Court refused to dismiss a juror. The South Carolina Court of Appeals affirmed the conviction. The South Carolina Supreme Court denied the Petition for Writ of Certiorari on July 23, 2008;

(b) State v. Kristopher M. Miller – 363 S.C. 635, 611 S.E. 2nd 309

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court issued an order waiving jurisdiction to Circuit Court. The Court of Appeals affirmed the Family Court's waiver order. The juvenile was convicted in Circuit Court;

(c) State v. Jesse Newton

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court issued an order waiving jurisdiction to Circuit Court. The juvenile was convicted in Circuit Court;

(d) State v. Leroy Archie

This was a murder case in which the State was seeking life without parole based on defendant's prior conviction. After a trial in Circuit Court the defendant was convicted and sentenced to life without parole;

(e) State v. Barry Lollis

This was a case that I defended in 1994. After a trial the jury found the defendant not guilty. This was a significant case for me because it shows that I have successfully defended in Circuit Court.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. Not applicable.
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. Please attach one copy of briefs filed by you in each matter. Not applicable.
22. Have you ever held judicial office? Not applicable.
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? 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? Not applicable.
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. Not applicable.
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? No.
28. 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.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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. Not applicable.
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? Not applicable.
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? 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. Not applicable.
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. Not applicable.
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. None.
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;
 - (b) Anderson County Bar Association;
 - (c) American Bar Association.
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.
- Inn of Court
48. Provide any other information which 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 was in private practice from 1988 to 2000. During that period I handled every type of case in Family Court. From 1998 until 2000, I was a contract Public Defender for Juvenile Court. In January 2000, I became a full-time Assistant Solicitor handling all Juvenile Court matters. I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution for Family Court in 2001. I continued handling all Juvenile Court matters in Anderson County until June 2005. At that time I began handling cases in General Sessions Court. I have continued to handle some Juvenile Court matters when needed.
- I believe that my experiences over the past twenty [20] years in Family Court have prepared me for the position of Family Court Judge. I have served in virtually every capacity in Family Court. I have represented both husbands and wives in domestic cases. I have represented children as guardian ad litem. I have both defended and prosecuted juveniles. I have served as counsel for individuals in Department of Social Services cases. I was a founding member of the Anderson County Juvenile Drug Intervention Court.
49. References:
- (a) Mr. Goetz Eaton
125 Maffett Circle
Anderson, SC 29625
864-287-4268;
 - (b) Dr. Johnny McKinney
410 Dovetree Lane
Anderson, SC 29621
864-260-0058;
 - (c) Mrs. Peggy Dean
1104 Thornehill Drive
Anderson, SC 29621
864-226-6882;

- (d) Mrs. Chrissy T. Adams
P.O. Box 8002
Anderson, S.C. 29622
864-260-4046;
- (e) Tyra King
Wachovia Bank
1101 North Main Street
Anderson, SC 29621
864-261-5070.

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.

S/M. Scott McElhannon

Date: 09/19/08

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

Family Court
(New Candidate)

Full Name: Michael Scott McElhannon
Business Address: P.O. Box 8002
Anderson, S.C. 29622
Business Telephone: 964-260-4276

1. Why do you want to serve as a Family Court Judge?
I believe that my experience in Family Court for the past twenty [20] years has prepared me to be a Family Court Judge. I think that I have the appropriate demeanor to be a judge in a court that is normally emotionally charged.
2. Do you plan to serve your full term if 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 are inappropriate except when required for scheduling, administrative or emergency situations. In these situations, the Judge must believe that no party will gain an advantage as a result of the communication. The Judge should promptly notify all parties and allow them to respond if they desire.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
The Judge should advise the parties on the record of his knowledge of the parties or the matter to be heard. He would not need to recuse himself unless he had personal knowledge of the matter to be heard or had a personal bias concerning a party or a lawyer; or, if the judge's impartiality might reasonably be questioned.
7. 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 in which the Judge's impartiality might reasonably be questioned. If a party gave a

- reasonable explanation of why the Judge should recuse himself, the Judge should recuse himself.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
If there is an appearance of impropriety the Judge should recuse himself because it could have a negative effect on the public's perception of the judiciary.
 9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not accept gifts and would advise family members not to accept gifts which could tend to raise questions about my impartiality and integrity of the judicial office.
 10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would take appropriate action which could include talking directly with the judge or lawyer who has committed the violation, and reporting the violation to the appropriate authority [Commission on Judicial Conduct].
 11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No
 12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No
 13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
I would draft orders myself if at all possible, especially in cases where the findings of fact by the Court are complicated or extensive, and matters taken under advisement. In certain situations such as uncontested divorces I would ask the prevailing party to draft a proposed order.
 14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I would use a computer system which would alert several times before a deadline actually arrives. I would also keep a notebook of trial rosters and would mark the case when the order was received. I would ask the attorney preparing the proposed order to submit the order within ten days. If the order has not been submitted within ten days, I would have my administrative assistant follow up with the attorney.
 15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?
I would appoint a guardian ad litem if I determined that the Court would not be fully informed of the facts of the case where custody or visitation of a minor child is an issue. The guardian ad litem is

required to submit an affidavit to the Court and to the parties attesting that he has met the qualifications as set forth in the Code. The guardian ad litem should be present at all court hearings relating to custody and/or visitation. The guardian ad litem should submit written reports regarding the child's best interest. The guardian ad litem should provide written disclosure of any relationship or interest that may cause either party to question the guardian's impartiality.

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

I believe that setting public policy is the role of the legislature and not the judiciary.

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

I would like to continue the Anderson Juvenile Drug Intervention Court which was started by the Honorable Barry W. Knobel, and of which I was a founding member.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? No
How would you plan to address this?

19. Would you give any special considerations to a *pro se* litigant in family court?

A *pro se* litigant should adhere to the same rules of Court as an attorney. However, I understand that a *pro se* litigant is not an attorney and may need some guidance so that the case is tried properly. The guidance given, if any, should not affect the issues in the case and should only be from a formality standpoint.

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

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

Yes, because *de minimis* denotes an insignificant interest that could not raise a reasonable question about the Judge's impartiality.

22. Do you belong to any organizations that discriminate based on race, religion, or gender? No

23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

- a. Divorce and equitable distribution: 15%
b. Child custody: 15%

- c. Adoption: 3%
 - d. Abuse and neglect: 3%
 - e. Juvenile cases: 50%
25. What do you feel is the appropriate demeanor for a judge?
A judge should be calm, polite, patient, dignified, and in control of his emotions. I also believe that a judge should have a sense of humor.
 26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
A judge represents the Court and as such should conduct himself in an appropriate manner all the time. For the judge's demeanor to be genuine I believe that he should maintain those character traits everyday whether in Court or not.
 27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Anger is not an appropriate response. A judge should be courteous with everyone he deals with in an official capacity.
 28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
None
 29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable
 30. Have you sought or received the pledge of any legislator prior to this date? No
 31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
 32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
 33. Have you contacted any members of the Judicial Merit Selection Commission? No
 34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

s/Michael Scott McElhannon

Sworn to before me this 19th day of September, 2008.

Notary Public for South Carolina

My commission expires: 8/16/2015

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court, Judge of the 10th Judicial Circuit, Seat #1

1. NAME: Mr. David Earl Phillips
BUSINESS ADDRESS: 806 Powdersville Road, Suite M
Easley, South Carolina 29642
BUSINESS NUMBER: (864) 306-3529

2. Date of Birth: 1970
Place of Birth: Easley, 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 March 17, 2001, to Maryanne Evington Phillips.
Never divorced. Two children.

6. Have you served in the military? Not applicable.

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) Clemson University 1988 – 1994, BA in History 1992, BS in Accounting 1994;
 - (b) University of South Carolina School of Law 1994 – 1997, JD.

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.

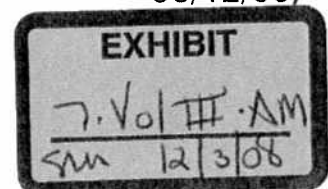
I was admitted to practice in South Carolina in 1997 and have been a member in good standing since my admission.

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.

I assisted in a fund-raiser for Senator Strom Thurmond during the summer of 1996.

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Hot Tips From the Coolest Domestic Practitioners	09/19/08;
(b) Prosecuting Cases in Family Court	08/20/08;
(c) 2007 Annual Conference	09/23/07;
(d) 2006 Annual SC Solicitors	09/24/06;
(e) Spring Seminar - one day	05/12/06;



- (f) Title Insurance Seminar 09/14/05;
 - (g) Revised Lawyer's Oath CLE 10/05/04;
 - (h) 7th Annual Workers' Compensation 07/05/04;
 - (i) Employment Law Update 06/04/04;
 - (j) Criminal Law Hot Tips 05/16/03;
 - (k) 6th Annual Spring Seminar 05/02/03;
 - (l) Family Law Litigation in SC 04/22/03.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? Not applicable.
12. List all published books and articles you have written and give citations and the dates of publication for each. Not applicable.
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 December 16, 1997;
 - (b) US District Court for the District of SC October 19, 1998;
 - (c) US Court of Appeals for Fourth Circuit October 13, 1998.
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.
- Chapman, Byrholdt & Yon, LLP: I began my law practice with this law firm in August 1997, shortly after having taken the bar exam. Upon being admitted to the bar, I was very fortunate to work for three excellent attorneys on a wide variety of cases including family law, workers' compensation, personal injury, and criminal defense. I was lead counsel in ninety (90%) percent of the cases I handled at this firm. I worked for this firm until August 31, 2004.
- David E. Phillips, Attorney at Law, LLC: I opened my own law practice September 1, 2004. I continued to practice in the same areas in which I had gained experience at Chapman, Byrholdt & Yon. In August 2006, I was asked to be the juvenile prosecutor for the Anderson County Solicitor's Office on a part-time, contract basis. Despite the "part-time" nomenclature, this contractual employment has been significant in terms of the time it has demanded from my private practice; however, it has also been rewarding, as I truly feel that I have contributed to helping steer young people in the right direction.
- 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.

- (a) Divorce and equitable division of property
I have represented perhaps hundreds of individuals in these types of cases. The vast majority of these cases were settled prior to trial particularly after the advent of mandatory mediation in our circuit. I was sole counsel in all of these cases.
- (b) Child custody
I have represented a large number (not hundreds) of individuals in these types of cases both incident to divorce and as separate actions where custody was the primary issue. The paramount and controlling interest in each of these cases is the best interest of the child or children. These cases almost always required consideration of issues incident to custody including visitation, child support, and all too often, restrictions regarding parental conduct. In many of these cases, the court was assisted by a guardian ad litem.
- (c) Adoption
I have represented a handful of families in adoptions. These have been some of the most emotionally rewarding cases of my life. Although I have handled far fewer of these cases than divorce or custody cases, the adoption case have been spread out such that I remain familiar with this area of law on an ongoing basis.
- (d) Abuse and neglect
This area is my weakest area in terms of experience. One of the first contested cases I tried in family court was a three day termination of parental rights case in which I was appointed to represent the defendant mother. I have had additional experience in this area; however, my experience has been limited. I believe my background in other family law matters has adequately prepared me to preside over these matters as Family Court Judge. The custody cases I have had over the years have required me to evaluate each case in light of the child or children's best interest(s). While this is not the only concern of the family court, it is the paramount concern.
- (e) Juvenile justice
I have significant experience in juvenile justice cases. In 2000, I served as juvenile public defender in Anderson County and gained significant experience in this area. In 2006, I began serving as the juvenile prosecutor for Anderson County and presently still serve in that capacity. I have represented the State in hundreds of cases in the two year period of time. I have tried numerous criminal cases in family court both as prosecutor and defense attorney. As prosecutor, I recently tried a wavier (or transfer of jurisdiction) case where the State sought to transfer jurisdiction over a juvenile to the Court of General Sessions.

15. What is your rating in Martindale-Hubbell?

I am not listed and have not requested a listing due to the fact that the vast majority of my practice is local in nature.

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: Once in the last five years;
 - (b) state: On average two to three times per week.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 20%;
 - (b) criminal: 40%;
 - (c) domestic: 40%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 2%;
 - (b) non-jury: 98%.
- 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 that 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) In the Interest of Jermal R.2006-JU-04-539-543, 2007-JU-04-409-420
This was a juvenile waiver case where I served as prosecutor. In a waiver case, the State is seeking to transfer jurisdiction over a juvenile to the Court of General Sessions to be tried as an adult. These cases are often considered to be among the most serious of cases tried in Family Court.;
 - (b) State v. Holder, 2003-GS-23-1307
This was a high profile, four day trial in which co-counsel and I defended a mother accused of homicide by child abuse. The experience was significant because of the volume of evidence I was required to evaluate.;
 - (c) Perrin v. Health Management Resources, SCWCC File No. 0124951
This was a workers' compensation case in which I was sole counsel at the hearing commissioner level and appellate panel level. The case was significant because it was a difficult case, and it was the first case in which I was able to obtain permanent and total disability benefits for my client as the result of a trial.;
 - (d) South Carolina Department of Social Services v. Pettis, et al, 95-DR-04-2076

This was one to the first family court cases I tried. I defended a mother in a termination of parental rights action.;

(e) Rogers v. Tipton, 2007-DR-39-1079

This was a termination of parental rights and adoption case where the mother and step-father of a ten year old child sought to terminate the parental rights of the child's birth father so that his step-father could adopt him. The step-father had assumed the role of father in the child's life for many years due to the difficult circumstances in which the birth father found himself. Ultimately, the termination of parental rights and adoption were granted by the court. The case is special to me because of the personal friendship I have with the plaintiffs and the child.

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. None.
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. Please attach one copy of briefs filed by you in each matter. None.
22. Have you ever held judicial office? 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. Not applicable.
24. Have you ever held public office other than judicial office? No.
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.
Not applicable.
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? No.
28. 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.
I am the sole member of David E. Phillips, Attorney at Law, LLC. This enterprise is exclusively committed to the practice of law.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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. Not applicable.

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? 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. None.
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.
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. None.
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;
 - (b) Anderson County Bar;
 - (c) Anderson Inn of court;
 - (d) Pickens County Bar.
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) Mount Pisgah Baptist Church – Body of Deacons and Sunday School Teacher;
 - (b) Anderson Sunshine House – Boards of Directors.
48. Provide any other information which 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. Not applicable.
49. References:
- (a) The Honorable G. Ross Anderson, Jr.
U.S. District Judge
P.O. Box 2147
Anderson, South Carolina, 29622
(864) 226-9799;
 - (b) Christina T. Adams
Solicitor Tenth Judicial Circuit
P.O. Box 8002
Anderson, South Carolina, 29622
(864) 260-4046;
 - (c) Sheriff David Crenshaw
Anderson County Sheriff's Office
305 Camson Road
Anderson, SC 29625
(864) 260-4400;

- (d) V. Laniel Chapman
Chapman, Byrholdt & Yon
P.O Box 2506
Anderson, South Carolina, 29622
(864) 222-1411;
- (e) Robert Dye, Jr.
Peoples National Bank
1800 East Main Street
Easley, South Carolina 29640
(864) 859-2265.

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.

S/David Earl Phillips

Date: 09/24/2008

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

Family Court
(New Candidate)

Full Name: David Earl Phillips
Business Address: 806 Powdersville Road, Suite M
Easley, South Carolina 29642
Business Telephone: (864) 306-3529

1. Why do you want to serve as a Family Court Judge?
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. I have represented people in Family Court throughout my career practicing law. I began handling private family court cases almost immediately after being admitted to the bar and have represented hundreds of people in diverse private family court matters including divorce, custody, child support, visitation, termination of parental rights and adoption cases. In 2000, I served as the juvenile public defender for Anderson County and personally observed homes and families in crisis. In August 2006, I began serving Anderson County as the juvenile prosecutor for the Tenth Circuit Solicitor's Office. I also have more limited but not insignificant experience in representing individuals involved with the Department of Social Services. I believe I can bring this broad range of experience to the Family Court bench, like so many others have throughout the Family Court's history, and positively impact our community by serving the families of our state who are in crisis.
2. Do you plan to serve your full term if 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. During the course of my practice, I have seen the need in emergency situations for *ex parte* communication between a lawyer and the court. My experience has demonstrated such circumstances to be few in number when compared to the large number of cases filed in the Family Court, and 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. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

A judge should disqualify himself in a proceeding where his impartiality might reasonably be questioned. Family Court Judges are elected by the General Assembly; therefore, the fact that a party is represented by a lawyer-legislator would not alone be a basis for recusal. I would, however, recuse myself in any situation that gave the appearance of impropriety.

7. 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?

I would grant such a motion to avoid even the appearance of impropriety.

8. How would 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. If anyone moved for my recusal, I would grant such a motion.

9. What standards would 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 any doubt as to the propriety of the situation, I would decline the gift and/or hospitality.

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

Misconduct should be reported, and I would do so.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

In most cases, I would 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. I would then

- review the proposed order carefully before signing the order. In appropriate cases, I would draft the order personally.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I would maintain a computerized calendar and hold weekly meetings with my staff to be sure deadlines are met in advance.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?
I would upon appointment of a guardian *ad litem* include in the order of appointment instructions outlining the duties required in the guardian ad litem statutes. Additionally, I would require the guardian ad litem appointed to submit to the court and the parties an affidavit that he/she has the qualifications to serve in that capacity.
16. 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.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?
I plan to make myself available to speak to organizations and author materials for the benefit of the bar in the area of family law.
18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?
I am blessed with a very supportive family. Prior to making my decision to seek judicial office, I discussed at length with my family that I would be required to travel to other jurisdictions across the state. My wife and children not only support me but encourage me daily in my pursuit of this office. I plan to communicate with them each day when away from home.
19. Would you give any special considerations to a *pro se* litigant in family court?
I would hold *pro se* litigants to the same rules attorneys are required to follow. I may at times remind *pro se* litigants of their right to seek the representation of a licensed attorney.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
No

22. Do you belong to any organizations that discriminate based on race, religion, or gender?
No
23. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: 30%
 - b. Child custody: 20%
 - c. Adoption: 1%; Despite this low percentage, I have represented clients in enough of these matters to feel comfortable with my knowledge of the law applicable to this type of action. In fact, I have recently represented clients in adoption cases. I would maintain competence in this area of law by reading all appellate court cases dealing with this issue and reviewing the relevant statutes regularly. Additionally, I would attend courses dealing with this subject matter.
 - d. Abuse and neglect: 1%; Most of my experience in this area has come as the result of court appointment. I have represented defendants in lengthy trials in these matters; however, those cases were few and far between. I am reviewing the relevant statutes in these areas to improve my knowledge of this important area of family law.
 - e. Juvenile cases: 20%.
25. What do you feel is the appropriate demeanor for a judge?
A judge should be firm but fair and should also be civil to those who come before the court.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
I would always conduct myself according to these rules.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, 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 court of law. As members of the bar, we are required to maintain civility in these matters.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? None, however I will timely supplement my response to this question.

29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not applicable.
30. Have you sought or received the pledge of any legislator prior to this date? No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? No Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
33. Have you contacted any members of the Judicial Merit Selection Commission? No
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

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

s/David Earl Phillips

Sworn to before me this 24th day of September, 2008.

Notary Public for South Carolina

My commission expires: 9/27/2014

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Family Court Judge, 13th Judicial Circuit, Seat #6

1. NAME: Ms. Catherine C. Christophillis
BUSINESS ADDRESS: 920 N. Main St.
Greenville, SC 29609
BUSINESS NUMBER: (864) 242-2060

2. Date of Birth: 1954
Place of Birth: Stillwater, Oklahoma

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.

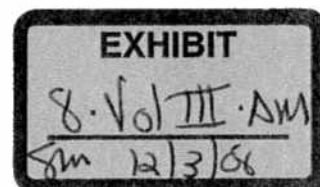
5. Family Status: Married on May 14, 1978, to Constantine S. Christophillis, Jr. Never divorced. Three children.

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) St. Petersburg College, 1972-73, AA degree;
 - (b) Florida State University, 1973-75, BS degree in Government;
 - (c) University of South Carolina Law School, 1975-78, 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.
South Carolina Bar, 1978.

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) At St. Petersburg College: 1972-73 - performed in school and community theater productions and worked at Maas Brothers Department Store and at Veterinary Hospital at Clearwater;
 - (b) At Florida State University: 1973-75 - performed in school theater productions, member and officer in Alpha Gamma Delta Sorority and worked as student assistant in Business School;
 - (c) At USC Law School: 1975-78 - elected representative in student government and student liaison to the faculty, chairman of Law Day Committee, and worked as intern at 5th Judicial Circuit Solicitor's Office.



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)	Tips from the Bar	02/15/08;
(b)	Greenville County Bar Year-end CLE	02/08/08;
(c)	Non-Profit	02/09/07;
(d)	Civil and Criminal Law Update	12/08/06;
(e)	Family Court Bar/Bench	12/01/06;
(f)	Hot Tips from the Coolest	09/23/05;
(g)	Children's Issues in Family Court	03/18/05;
(h)	Family Court Bar/Bench	12/03/04;
(i)	Ethics and the Oath	11/16/04;
(j)	Hot Tips from the Coolest Domestic	09/24/04;
(k)	Family Court Bar/Bench	12/05/03;
(l)	Smart Practice, Not Malpractice	11/06/03;
(m)	Trial Preparation and Practice	11/12/02;
(n)	Circuit Court/Family Court	10/11/02;
(o)	Hot Tips from the Best Domestic	09/20/02.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) Taught Family Law course at Greenville Technical College;
- (b) Taught Legal Research course at Greenville Technical College;
- (c) Lectured on child abuse and neglect to South Carolina Bar seminar;
- (d) Lectured on child abuse and neglect to social service workers, mental health workers and law enforcement conferences;
- (e) Lectured on child abuse and neglect to National Association of State Legislators conference in Nashville, Tennessee;
- (f) Trained Guardian Ad Litem in Greenville, SC, for governor's Lay Guardian Program;
- (g) Instructed teachers of Greenville County School District on child abuse issues;
- (h) Trained prosecutors, legal service attorneys, law enforcement, medical personnel, social and mental health workers, drug treatment personnel and others regarding protocol for drug-impaired infants throughout all South Carolina judicial circuits;
- (i) Lectured on insurance fraud at South Carolina Bar seminars, Association of South Carolina Claimants Attorneys for Workers' Compensation conference, and various conferences of insurance industry personnel;
- (j) Trained prosecutors, law enforcement, social service and mental health workers and others regarding investigation and prosecution of violations of the Omnibus Adult Protection Act throughout all South Carolina judicial circuits;

- (k) Lectured on vulnerable adult exploitation under the Omnibus Adult Protection Act to annual conference of Probate Court Judges at Fripp Island.
12. List all published books and articles you have written and give citations and the dates of publication for each.
Authored article on the right of children to be free from harm in *South Carolina Jurispurdence*.
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.
South Carolina state courts, 1978
South Carolina federal courts, 1978
US Court of Appeals, 4th Circuit, 1981
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) Christophillis Law Offices, 1978-1985 – handled primarily private cases in family court and small percentage of cases in criminal court and civil court;
 - (b) Solicitor's Office of the 13th Judicial Circuit, 1985-1992 – ran child abuse and neglect case unit, which involved handling child abuse and neglect cases for SC DSS in family court and prosecuting all child abuse and neglect cases in general sessions court; started domestic violence protocol and handled domestic violence prosecutions;
 - (c) Culbertson, Christophillis & Sauvain, PA, 1992-1995 – handled private cases in family court exclusively;
 - (d) SC Attorney General's Office, 1995-2000 – started first insurance fraud prosecutions for the state of South Carolina and handled insurance fraud prosecutions throughout South Carolina; wrote and trained prosecutors, legal service attorneys, law enforcement, medical personnel, social and mental health workers, drug treatment personnel and others regarding protocol for drug-impaired infants throughout all South Carolina judicial circuits; director of elder abuse division, prosecuted violations of the Omnibus Adult Protection Act throughout all South Carolina judicial circuits, and trained prosecutors, law enforcement, social service and mental health workers and others regarding investigation and prosecution of violations of the Omnibus Adult Protection Act throughout all South Carolina judicial circuits.;
 - (e) Catherine C. Christophillis, Attorney At Law, 2000-present – handle private family court case; serve as Guardian Ad Litem in private custody cases; serve as Family Court Mediator; handle a very small percentage of criminal and civil cases;

- (f) In addition to the above, my legal experience includes the following appointments:
- i. Chairman, State Child Fatalities Committee (1988-1995);
 - ii. Chief Justice appointee, South Carolina Family Court Mediation and Alternative Dispute Resolution Rules Committee (1990);
 - iii. Gubernatorial appointee, Joint Legislative Committee on Children, and Chairman, Subcommittee for Child Abuse and Neglect (1992-1996);
 - iv. Gubernatorial appointee, Governor Carroll Campbell's Property Tax Reform and Accountability Advisory Committee (1994);
 - v. Gubernatorial appointee, Maternal, Infant and Children's Committee (1990's);
 - vi. General Assembly's Joint Committee for Drug-Impaired Infants (1997);
 - vii. Federal Court United States Magistrate Judge Merit Selection Panel (2000).

- (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.
- In the practice areas of divorce and equitable division of property, child custody and adoption, during the above-stated years in private practice, I have handled numerous cases involving divorce, equitable division of property, child custody, adoption, child support, and separate maintenance and support. In these areas, I have negotiated settlements, drafted settlement agreements, handled contested trials, handled uncontested cases, mediated disputes in these areas and served as GAL in contested custody and adoption cases.
- In the practice areas of abuse and neglect and juvenile justice, I ran the child abuse and neglect unit of the 13th Circuit Solicitor's Office, which involved handling all the DSS cases in family court and circuit court, negotiating settlements, and trying contested cases. In the course of handling that unit, associated juveniles were involved in prosecutions I handled. As part of my private practice, I represented juvenile offenders at detention hearings, adjudication hearings, and contested trials.

15. What is your rating in Martindale-Hubbell? BV.

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: I am in family court very frequently during an average week. Of my court appearances, I would estimate 90% to be in family court and the remaining 10% in circuit court, master's court, summary court or probate court.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 9%;
 - (b) criminal: 1%;
 - (c) domestic: 90%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury: 2%;
 - (b) non-jury: 98%.
- 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 that 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. Do NOT attach a separate list.
- (a) State v. J. C. Rice
This case that I prosecuted in 2000 before a jury in General Sessions Court in Union County was significant because it was the first trial and conviction under the Exploitation of a Vulnerable Adult, S.C. Code Section 43-35-85;
 - (b) State v. John Frank Williams
This murder case that I defended in 1983 before a jury in General Sessions Court in Greenville County resulted in a not guilty verdict and was significant because of difficult circumstances and issues, especially the defendant's admission of shooting the victim in self-defense;
 - (c) State v. Sherry Pace, 337 S.C. 407, 523 S.E.2d 466 (Ct.App. 1999)
This case that I prosecuted before a jury in General Sessions Court in Greenville County was significant because it was the first trial and conviction under the Insurance Fraud Act, S.C. Code Section 38-55-530(D);
 - (d) Nasser-Moghaddassi v. Moghaddassi, 364 S.C. 182, 612 S.E.2d 707 (Ct.App. 2005)
This is a family court case in which I was involved as Guardian Ad Litem for the parties' three minor children at the trial level. The case was significant because it was the first time the Court of Appeals applied the Patel standards by finding that my investigation as GAL for the children was independent, balanced and impartial. See Patel v. Patel, 347 S.C. 281, 555 S.E.2d 386 (2001);
 - (e) State v. Whitner, 328 S.C. 1, 492 S.E.2d 777 (1996)

As director of the Child Abuse and Neglect unit of the 13th Judicial Circuit Solicitor's Office, I initiated the first prosecutions in the state of women who gave birth to drug-impaired infants under the child abuse and neglect statute, S.C. Code Section 20-7-50. This case was significant because the State Supreme Court held for the first time that the word "child" as used in the statute includes viable fetuses.

20. List up to five civil 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).
- (a) Jerry Fowler v. Southern Bell
Won personal injury verdict in US District Court, which was upheld on appeal to the U.S. Court of Appeals, 4th Circuit (unpublished);
- (b) Loftis v. Loftis
286 S.C. 12, 331 S.E.2d 372 (Ct.App. 1985).
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. Please attach one copy of briefs filed by you in each matter. None.
22. Have you ever held judicial office? 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? 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.
Yes; I was elected to Greenville City Council At-Large, 1993-1995. I timely filed my report with the State Ethics Commission during that time period.
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? I ran for Greenville County Council in 1984.
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?
Since August 2006 I have owned the historic Northgate Soda Shop, which has been located at 918 N. Main Street, Greenville, SC, for the past 60 years.

28. 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.
I am sole shareholder of Northgate Soda Shop, Inc., which was incorporated in South Carolina on August 4, 2006, in order to operate the Northgate Soda Shop.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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.
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 to all 3 questions.
34. Have you ever been sued, either personally or professionally? Yes. In 1984 as a first mortgage holder I was joined as a party defendant in a foreclosure action brought by the second mortgage holder against the landowner; the action was dismissed shortly after filing.
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. None.
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.
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. None.
 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 to both.
 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 to both.
 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) Greenville County Bar;
 - (b) South Carolina Bar.
 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) Board member of Greenville Transit Authority (Mayoral appointee);
 - (b) Chairman of North Main Street Traffic Study Committee (City Council appointee);
 - (c) Chairman of Board of Centre Stage South Carolina;
 - (d) Board member of Upstate Community Mediation Center;
 - (e) Member of Junior League of Greenville and Junior League Singers;
 - (f) Greenville Kiwanis Club;
 - (g) Recipient of Metropolitan Arts Council Volunteer Award;
 - (h) Graduate of Leadership South Carolina.
 48. Provide any other information which 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.

Thirty-two years ago, when I was a second-year law student, my father gave me the book *Simple Justice*. This book chronicled the historic case of *Brown v. Board of Education*, published the year of my birth. My father inscribed in the book, "On balance, the law profession has helped salvage the most noble hopes we see all too dimly – you have chosen well." *Simple Justice* has stayed on my desk ever since, and my father's words "noble hopes" have permeated throughout my life and career.

I have always found noble hopes in helping families one case, one child, one parent, and one grandparent at a time. These hopes, fueled by compassion, tenacity, and an understanding spirit, have guided me through 30 years of advocating for families by handling their divorces, their custody battles, their separations, and other challenges in Family Court.

These hopes have made me an advocate for children who have been abused or neglected. They have taken me to the State House to testify for the "Homicide by Child Abuse" and Child Fatalities Statutes, which I wrote. These hopes took me to Nashville as a speaker before the National Conference of State Legislators to present the intervention protocol for drug-impaired infants, which I developed.

These hopes took me to Washington, DC, to testify before Congress about the success of the protocol. These hopes took me to all of our State's judicial circuits to educate and train multi-disciplinary teams.

Abused and neglected adults are often an overlooked segment of our population. Their hopes took me again to all 46 of our counties, training and educating teams on intervention and prosecution on their behalf. It took me back to Washington, DC, to present our protocol before the US Attorney General.

In the early 1990's, I recognized the potential of mediation before it was implemented in South Carolina. I received my 40 hours of training and certification in Atlanta when it was not yet available in South Carolina and helped write the rules that we now use in our state. Today, mediation is recognized as an integral part of our Family Court system, having succeeded in offering an alternative means of resolving very difficult cases.

These noble hopes guided me through service as an at-large member of Greenville City Council and as an active volunteer for many different civic and non-profit groups.

These noble hopes have especially allowed me to serve my God as a member of the choir and as a former Sunday School teacher at St. George Greek Orthodox Cathedral in Greenville.

Most importantly, these noble hopes are found in the love of my family, my three children, and my husband of 30 years. My father spoke of "noble hopes we see all too dimly," but my life experience has allowed me to see noble hopes most brightly. They shine steadfastly. My hope is now to

serve the citizens of South Carolina as a Family Court Judge and help deliver "Simple Justice."

49. References:

- (a) Knox White, Esq.
Mayor, City of Greenville
PO Box 2048
Greenville, SC 29602
(864) 240-3276
- (b) Joe Watson, Esq.
644 E. Washington St.
Greenville, SC 29601
(864) 467-0380
- (c) Ken Porter, Esq.
PO Box 4277
Greenville, SC 29608
(864) 235-9613
- (d) Bobby Mann, Esq.
819 E. North St.
Greenville, SC 29601
(864) 242-4995
- (e) D. Michael Holmes
Vice President, BB&T
PO Box 408
Greenville, SC 29602
(864) 242-8026

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.

S/ Catherine C. Christophillis

Date: 09/19/08

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

Family Court
(New Candidate)

Full Name: Catherine C. Christophillis
Business Address: 920 N. Main St.
Greenville, SC 29609
Business Telephone: (864) 242-2060

1. Why do you want to serve as a Family Court Judge?

During 30 years of practicing law I have always maintained a high ethical standard in all my dealings. I have been a tireless advocate for children, families and vulnerable adults and have sought resolutions for their problems that are both fair and just.

Through the years I have continually found new approaches to handling the most difficult and emotionally charged cases that face our community. As a prosecutor of child abuse and neglect, I established new protocols that involved multi-disciplinary teams, which helped families gain access to all treatment options. I strove to work patiently and understandably with a multitude of different agencies, often times at odds with each other. Leadership and the teamwork approach worked. Many abuse and neglect cases were handled in a way that allowed families to receive the needed resources.

For many years in private practice I represented men and women, young and old, well-off and disadvantaged. These cases included divorce, separation, custody, visitation, division of property, and other matters. Race, religious beliefs and social status were of no importance or bearing.

As a court-appointed guardian ad litem, I have investigated many contested custody cases fairly, impartially, in depth, and always considering the best interests of the child. I have served as a mediator in many Family Court cases, guiding litigants to successful conclusions of their issues.

In the field of child abuse and neglect, my experience included training guardians ad litem, teachers, and multi-disciplinary teams across South Carolina. I was involved in the writing of the following statutes dealing with child abuse and neglect: Homicide by Child Abuse statute (SC Code Section 16-3-85, et. seq.), State Child Fatalities statute (SC Code Section 20-7-5900, et. seq.), and the 1996 amendments to the Child Abuse and Neglect statutes. I authored A

Child's Right to be Free from Harm, published in *South Carolina Judisprudence*.

As the Director of Elder Abuse for the South Carolina Attorney General's Office, I had not only the opportunity to successfully prosecute cases, but also to train multi-disciplinary teams in the intervention and prosecution of vulnerable adults throughout South Carolina.

My experiences in all these areas inspire me to further serve my community and state as a Family Court Judge. The constant tenet throughout all my years of practice has been one of firmness and fairness, temperance and kindness, recognizing all too keenly that justice is served only when impartially rendered with a balance of strength and humility.

2. Do you plan to serve your full term if 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?

(a) I believe all parties of interest to a case, and their attorneys, should be given the right to be heard on all matters involved in the case. Preferably, this should take place in open court with everyone present and on the record. Therefore, a judge should not engage in *ex parte* communications or consider other communications outside of the presence of the parties except in very limited situations. If an *ex parte* communication is allowed, notice of the same should be provided to those not otherwise privy to it and they should be given an opportunity to respond to the communication.

(b) Circumstances may allow *ex parte* communications for scheduling, emergencies or administrative purposes, provided no substantive matters or issues on the merits are involved, no party gains an advantage from the communication, and notice of the communication is provided by the judge that allows a chance for response. A judge may consult with court personnel if it aids in carrying out the judge's adjudicative responsibilities or with other judges. As long as all parties are in agreement, a judge may confer separately with the parties and their lawyers to help settle or mediate matters pending before the judge. A judge may also consult with a disinterested expert on issues before the court provided the judge gives notice to all parties of the person consulted and the substance of the advise and allows the parties an opportunity to respond. A judge may also engage in *ex parte* communications when expressly

- authorized by law, such as the issuance of a temporary order concerning child custody and support when warranted by conditions.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Our system of justice can work only if our judges are seen as fair, impartial and unbiased. If a judge's impartiality might reasonably be questioned, then the judge should disqualify himself or herself. Though a judge might be impartial even if his interests were involved, what is more important is the perception from an objective viewpoint. Certainly, if a judge has a personal bias or prejudice concerning a party or a party's attorney, the judge must recuse himself or herself. A judge should also disqualify himself or herself in situations where the judge has personal knowledge of disputed facts of the case, is a material witness in the case, previously served as an attorney in the case, or was previously associated with an attorney in the case. If a judge knows he or she, the judge's spouse, parent or child, or member of his household has an economic interest in the subject matter of the case, in a party to the proceeding, or has more than a *de minimis* interest that could be substantially affected by the case, he or she should also recuse himself or herself. A judge should also disqualify himself or herself if a spouse or close relative is a party to the proceeding, closely affiliated with a party, is a lawyer in the case, has more than a minimal interest in the outcome, or will likely serve as a material witness in the proceeding.

The appearance of a lawyer-legislator in and of itself should not affect a judge's impartiality in a proceeding unless other factors were present.

When a former associate or former law partner of the judge is to appear before the judge, to the objective eye the judge's impartiality might reasonably be questioned due to the former close relationship, in which case the judge should disqualify himself or herself.

7. 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?

It is all a matter of degree. The greater the interest of the judge in the case or the closer the relationship of the judge to party or a party's attorney, the more likely the judge should be to recuse himself or herself.

The judge is obliged to reveal anything that might lead an objective observer to reasonably question the judge's impartiality. If a motion of recusal is made and the impartiality of the judge can not be upheld in

the mind of a reasonably man, the judge must recuse himself or herself, even if the judge is convinced he or she can be impartial. The Judicial Canons state that the interest of the judge in a proceeding must be more than minimal before it can be substantially affected by the proceedings. If it is more than minimal, he or she must be disqualified. For example, a lawyer in a case may be from the same law firm as the judge's nephew. That fact alone does not of itself disqualify the judge. If further facts are revealed about the relationship that cast reasonable doubt on the impartiality of the judge, then the judge should bow out. If such facts are not produced and the judge feels he or she can act impartially, then the judge may continue on with the case.

If a motion to disqualify me from a case was made, but I thought I could still be impartial, I would give the moving party every opportunity to produce facts and circumstances to support the motion before ruling on it. Even if I felt I could proceed in an impartial manner, I would recuse myself if I realized the appearance would cast doubt on my impartiality in eyes of a reasonable person. I would resolve any doubts in favor of preserving the court's integrity and upholding the principle of impartiality.

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

Regardless of whether I felt I could act impartially in a case involving my spouse or close relative, because of the inherent closeness of such relationships, I would have to recuse myself in order to maintain the integrity of the court. Looking at the situation objectively, it would be quite reasonable to question the impartiality of a judge who presided over a case in which a spouse or close relative appeared or was substantially involved.

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

A judge should not accept a gift if it can be reasonably perceived that the gift was intended to influence the judge in the performance of judicial duties. The Judicial Canons envision a judge receiving gifts only in limited situations. Common sense should help resolve any situations in the "gray" areas.

A judge should not receive a gift intended to influence his or her decision on a case nor should a judge exploit his judicial position in order to improperly profit from it. Clearly, those situations are abhorrent and are properly banned. If a judge has any reasonable doubts about the propriety of accepting a gift, the judge should politely refuse to accept. Even though a judge might feel he or she is not being influenced by a gift the judge might consider innocent, if it is

beyond what is envisioned by the Canons, the gift should not be accepted in order to preserve the integrity of the bench.

A gift may be proper when given by a relative or friend for a special occasion, such as birthday, wedding or anniversary, if it is commensurate with the occasion and the relationship. If, after becoming a judge, a gift was given to me from a person who previously I had not been close with or who previously had customarily not given me a gift, then I would not feel comfortable accepting the gift and would reject it.

The same basic rules and analysis apply to the acceptance of social hospitality. If a relative or friend offered to pay for my dinner or take me to theatrical show and it was commensurate with the occasion, the relationship and prior practices, then I would not feel it was inappropriate to accept the gesture. However, if that same person was scheduled to appear before me in a case, I would be most likely decline the gesture in order to avoid the appearance of impropriety. If such a gesture came from one who previously I had not been close with or who previously had customarily not extended to me such a gesture, then I would not feel comfortable accepting and would decline.

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

Judges are sworn to uphold the integrity, independence and impartiality of the judiciary, maintain high standards of professional conduct, and respect and comply with the law and court rules. Public confidence in the judiciary is compromised if a judge violates this oath. If a judge receives information indicating a substantial likelihood that another judge has committed a violation of the Code of Judicial Conduct, he or she should take appropriate action. Rule 7 of the Rules for Judicial Disciplinary Enforcement states the grounds for discipline. If the misconduct of the judge is covered by these grounds, the judge receiving the information of the misconduct is obliged to notify the Commission on Judicial Conduct, who would then investigate and take appropriate action.

Similarly, a lawyer, as an officer of the judicial system, is charged with maintaining the dignity of the legal system, enhancing public confidence in the judicial system, and conforming to the requirements of the law. If a judge knows that a fellow lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty or trustworthiness, he or she must inform the appropriate professional authority. Rule 8.4 of the Rules of Professional Conduct sets forth the actions that are considered professional misconduct of a lawyer.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
Once reaching a decision on a matter, I would direct each attorney to draft a proposed order in compliance with the guidelines I provide them. I would then review both orders and then chose one totally or make changes as I deem appropriate. It may be that I would accept what I deemed appropriate from each and then add more language of my own.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I have always maintained a dual calendar and tickle ("to-do") system, one manual and the other electronic. My staff and I constantly monitor these systems, prioritize upcoming events, and periodically discuss preparations for them so that we are always prepared to meet all deadlines. I intend to continue these practices if elected to the bench.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?
Temporary orders in which custody is contested should specifically include the requirements set forth in SC Code Section 20-7-1549, which specifies the responsibilities and duties of the Guardian Ad Litem. The temporary order should include a specific time frame for the guardian to investigate and present a preliminary written report to the court. In reviewing this report, a judge can ensure that the statute has been complied with. The court should also review the file to make sure SC Code Section 20-7-1555 dealing with disclosure has been complied with. The court should review the final report submitted by the Guardian Ad Litem at the appropriate time and listen to the Guardian in court
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
As stated in the first sentence of the Code of Judicial Conduct, "Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us." It is not the function of the judiciary to promulgate new laws, for that charge belongs exclusively to the legislature. The court is to interpret the existing laws and to impartially apply them to factual situations before it. The court should not stretch the clear language of the law or exceed the intent of the legislature in order to set public policy as

perceived by the judge. Even if the judge does not agree with the law as written, it is the judge's obligation to apply the law regardless. Respect must be given to established precedence for the sake of consistency and the integrity of our judicial system.

As discussed below in Question 17, Canon 4 of the Code of Judicial Conduct allows a judge the means by which he or she can properly help set or promote public policy.

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

Outside of the courtroom, a judge may conduct activities provided they do not cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties. This allows a judge to speak, write, lecture, teach and participate in other extra-judicial activities, to appear at a public hearing before or consult with an executive or legislative body or official, and to accept appointment to a governmental committee, commission or position, on matters concerning the law, the legal system, and the administration of justice. In these situations and for these purposes, a judge can provide input on the setting or promoting of public policy that improves the administration of justice.

If I saw a need to improve the delivery of justice, I would follow these established guidelines to propose needed improvements. I am especially interested in protecting children from abusive situations, making the legal system more accessible and efficient, and promoting mediation as a means of expediting case resolution.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not feel my serving as a judge would strain personal relationships. My husband and I met at USC Law School in 1975, married in 1978, and have both practiced law in Greenville for the past 30 years. For many years we practiced law together and the other years I served as a prosecutor with the Solicitor's office and the Attorney General's office. We both understand the pressures of law practice and have handled them quite well over the past three decades. We shared family duties when our children were young and supported each other in all aspects of our lives. My husband, our children and I are all in good health. Our children are now responsible, self-sufficient adults who appreciate their parents' professional demands and are very supportive. I will tackle my duties as a judge in the same manner I have been able to handle all my other responsibilities over the years and see no impediment in fulfilling what is expected of this position.

19. Would you give any special considerations to a *pro se* litigant in family court?

Ideally, it would be in the best interests of each litigant to be represented by a trained professional, but for whatever reason a party chooses to proceed *pro se*, he or she should not be penalized for it. The *pro se* litigant should not be treated as a nuisance, troublemaker or waste of time. The litigant must be given the benefit of the doubt as to his or her intentions.

By necessity, and in order to promote fairness and justice, some consideration must be given to *pro se* litigants. A judge needs to be understanding of the reason the party decided to proceed *pro se*. A party who rationally chooses to do so, rather than contemptuously, should be respected for that decision and given meaningful access to justice. It will take time and patience to educate a *pro se* on the law, issues and procedural and evidentiary rules involved. Courts can protect *pro se* litigants against the unintended consequences of procedural and technical errors, though they should be made aware by the judge that the substantive rules apply to all of the parties regardless of whether they are represented by counsel or not.

However, a court is not under an obligation to cater to a *pro se* litigant who abuses the process, shows disrespect or contempt to the court, attempts to improperly manipulate the process, or is purposely unprepared. In order to preserve the integrity of the judicial system, a judge must reserve the right to impose such sanctions on the *pro se* party as is deemed commensurate with the severity of the violation.

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

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

Though the Code of Judicial Conduct would allow a judge to hear a case under this scenario, the judge should recuse himself or herself if the judge has more than *de minimis* financial interest that could be substantially affected by the proceeding or otherwise felt his or her impartiality might reasonably be questioned. The overriding principle to guide the decision is the preservation of the integrity and impartiality of the court.

If I or a member of my family had a *de minimis* financial interest in a party involved in a case, I would promptly notify all the parties of the same and that I would otherwise handle the matter impartially. I might consider hearing the case if there was no objection by the parties after the full disclosure. However, if there were any

meritorious objections or I felt that my impartiality might reasonably be questioned, I would recuse myself.

22. Do you belong to any organizations that discriminate based on race, religion, or gender? No
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: In my private practice: 40%
 - b. Child custody: In my private practice: 55%
 - c. Adoption: In my private practice: 5%
 - d. Abuse and neglect: During my time with the Solicitor's Office and Attorney General's Office: 95%
 - e. Juvenile cases: During my time with the Solicitor's Office and Attorney General's Office: 5%
25. What do you feel is the appropriate demeanor for a judge?
A judge should be independent, fair and competent. A judge must be impartial in the interpretation and application of the law and exhibit the highest integrity. A judge must be courteous and kind to all litigants, attorneys, witnesses, court personnel and others involved and treat them all in an even-handed manner. He or she must be willing to hear and consider all positions and be open-minded in reaching his or her decision. A judge must exhibit a calm and patient demeanor. He or she must keep order and adjudicate cases in a timely fashion. A judge must never belittle or demean anyone appearing before the court, nor be disrespectful or arbitrary. A judge must act with humility, compassion, intellect and fairness.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
The rules should always apply whether on or off the bench. A judge should always maintain the highest ethical standards at all times. However, judges should not become isolated from their community. Their conduct should not cast a reasonable doubt on their impartiality, demean the office, or interfere with their performance as a judge.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Outward expression of anger is never appropriate under any circumstances.

28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? None
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
30. Have you sought or received the pledge of any legislator prior to this date? No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No to both
33. Have you contacted any members of the Judicial Merit Selection Commission? No
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

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

s/Catherine C. Christophillis

Sworn to before me this 19th day of September, 2008.

Notary Public for South Carolina

My commission expires: 7/9/2013

Catherine C. Christophillis

Attorney at Law

Certified Family &
Civil Mediator

920 N. Main Street
Greenville, SC 29609

(Phone) 864-242-2060
(Fax) 864-242-2801

ccc1234@bellsouth.net

December 3, 2008

Jane O. Shuler, Esq., Chief Counsel
Judicial Merit Selection Commission
104 Gressette Building, 1101 Pendleton St.
Columbia, SC 29201

Re: Addendum to My Application for Family Court Judge, Seat #6, 13th Judicial Circuit

Dear Ms. Shuler:

As an update to my PDQ, I would like to make the following amendments:

Amendment to Question No. 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.

On November 7, I sent a letter to all members of the State Legislature, excluding legislators then on the Commission. The expenditures for this mailing are listed in the attached letter dated November 12. The total amount spent was \$243.04.

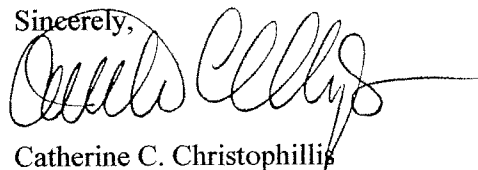
Amendment to Question No. 45

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?

A letter regarding my candidacy was mailed to all State Representatives and Senators on November 7, excluding legislators then on the Commission. On November 23 I received an e-mail stating that Representative Alan D. Clemmons and Representative David J. Mack, III, had just been appointed to the Commission. They had already been sent my November 7 mailing. Neither I nor anyone acting on my behalf has contacted any other members of the Commission.

With kind regards, I remain

Sincerely,



Catherine C. Christophillis
CCC:cm
Enclosure

Catherine C. Christophillis

Attorney at Law

920 N. Main Street
Greenville, SC 29609

(Phone) 864-242-2060
(Fax) 864-242-2801

Certified Family &
Civil Mediator

ccc1234@bellsouth.net

November 12, 2008

The Honorable Robert W. Hayes, Jr.
Chairman
Senate Ethics Committee
PO Box 142
Columbia, SC 29202

The Honorable J. Roland Smith
Chairman
House Ethics Committee
PO Box 11867
Columbia, SC 29211

As a candidate for Seat No. 6 in the Family Court for the Thirteenth Judicial Circuit, I incurred the following expenses on November 7 in writing a letter and forwarding my curriculum vitae to the members of the South Carolina Senate and the South Carolina House of Representatives.

Clerical Time	\$100.00
One Ink Cartridge	14.30
Stamps	63.42
Letterhead	19.63
Envelopes	28.69
Printing at Office Depot	<u>17.00</u>
Total	<u>\$243.04</u>

With kind regards, I remain

Sincerely,



Catherine C. Christophillis

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Thirteenth Circuit Family Court Judicial Seat No. 6

1. NAME: Mr. W. Wallace Culp, III
BUSINESS ADDRESS: 1425 Augusta St.
Greenville, South Carolina 29605
BUSINESS NUMBER: (864) 235-0019

2. Date of Birth: 1961
Place of Birth: Seneca, 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.

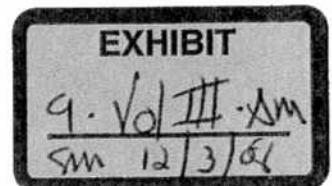
5. Family Status: Married on August 8, 1987, to Ellisa Huguley Culp. Never divorced. Two children.

6. Have you served in the military? No.

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
(a) University of South Carolina Law School 1983 through 1986 (J.D.);
(b) Oral Roberts University 1979-1983 (B.A. History).

8. List the states in which you have been admitted to practice law and the year of each admission. Are you a member in good standing in the states in which you are admitted? Has there ever been a time in which you were not a member in good standing? List the date(s) and reason(s) why you were not considered a member in good standing. Also list any states in which you took the bar exam, but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina – admitted in 1986.

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) While in college, I was member of a group that went to prisons and ministered to the prisoners. I was in this group from 1982 until 1983 and was the leader of the group in 1983;
(b) I was also a member of the Young Republicans while in college from 1980 until 1983;
(c) In 1982, I participated as a member of the Oklahoma Intercollegiate Legislature;
(d) While in law school, I was a member of Phi Alpha Delta from 1984 until



1986;

(c) I was also a member of the Christian Legal Society from 1983 until 1986.

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>
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(a)	Annual Judicial Conference	08/21/06;
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(b)	Ethics 2000	12/13/05.
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11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

(a) I taught a course on torts to the paralegals at Greenville Technical College in 1993;

(b) On both September 27, 1995, January 28, 2000, and November 6, 2001, I was a moderator and speaker at a probate practice seminar;

(c) On October 24, 2000, I was a speaker at a child custody seminar.

12. List all published books and articles you have written and give citations and the dates of publication for each. None.

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.

I was admitted to the South Carolina Bar in 1986. I was admitted to the United States District Court, District of South Carolina, November 7, 1988. I was admitted to the United States Court of Appeals, Fourth Circuit, March 21, 1990.

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) 1986-1987 - Law Clerk for the Honorable Frank P. McGowan, Jr.;

(b) 1987-1990 - Associate, Rainey, Britton, Gibbes and Clarkson;

(c) 1990-1991 - Associate, Haskins & Patton;

(d) 1991-present - Sole Practice.

In my first four years of practice, when I was with two different law firms, the general area of practice was in the field of insurance defense. When I opened my own law firm in 1991, I first stated out in general practice. The last sixteen years of practice have mainly been in the areas of probate law, elder law, domestic law and civil litigation. In the last ten years, the emphasis of my practice has grown even more to domestic law and abuse and neglect law. The last ten years I have also done a great deal of work in representing parties in Department of Social Services abuse and neglect cases. I handle some 30-40 of these matters per year. During the last ten years of my practice, I have represented a number of parties in divorce and equitable division of property

cases. I have also handled a number of child custody matters, including adoptions. I have served as Guardian ad Litem for minor children in various cases as well. Since completing mediation training, I have mediated several domestic cases involving child custody. Although I have not had any cases in the juvenile justice area, I have observed how the Family Court Judges deal with children in custody and abuse cases. I am a quick learner and would be able to gain quick experience in order to deal with juvenile justice cases.

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.

Please see description of Family Court experience explained above.

15. What is your rating in Martindale-Hubbell? BV.

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

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

- (a) federal: None;
- (b) state: 2-3 times per week.

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

- (a) civil: 34%;
- (b) criminal: 1%;
- (c) domestic: 65%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?

- (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 that you have personally handled in Power of Attorney for the surviving widow. The case was significant due either trial or appellate court or before a state or federal agency.

(a) Marian Hackney v. the Estate of William N. Hackney, Jr.

I successfully defended the Estate against a claim for elective share brought by the to the fact that the elective share, if successful, would have been worth some \$500,000.00. The case was also significant due to the fact that I was able to prove that the elective share had been waived even though the original waiver could not be found.

(b) LeBret v. Tipton

I successfully represented foster parents who wanted to adopt two children they had received in a DSS neglect case. The natural parents had essentially completed their treatment plans and vigorously defended the case in a six and one-half day trial. We were successful in getting their parental rights terminated and my clients were able to adopt the two children.

(c) Goldsmith v. Myers

In this case, I successfully represented Mr. Myers in a child custody matter. This significance of this matter was that I was able to convince the Court in South Carolina to dismiss this action due to the fact that it had no jurisdiction under the Uniform Child Custody Jurisdiction Act.

(d) Ballew v. Cheever

In this case, I represented a group of citizens in Piedmont, South Carolina who were against the granting of an ABC license to a store. I was able to successfully represent them and convince the Administrative Law Judge to deny the ABC license.

(e) First Union v. Robert Benner

In this case I successfully defended Mr. Benner in a claim by First Union Bank. Mr. Benner had stopped payment on his check and First Union had paid the check. I was able to convince the Court that First Union Bank was not a holder in due course and therefore Mr. Benner prevailed.

20. Give citations if the cases were reported and describe why these matters were significant. Not applicable.
21. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Leroy J. Howard and John Nasser, Appellants, v. JoAnn Nasser, Joey Nasser, Christina Nasser, Ashley Nasser, Leander Nasser, Mary Kaye Barki and Debbie Coggins, Defendants, of Whom JoAnn Nasser is, Respondent. South Carolina Court of Appeals, May 2, 2005, 364 S.C. 279; 613 S.E.2d 64; 2005 S.C. App. LEXIS 125.;
- (b) DSS v. Tameka Grayson;
- (c) DSS v. Courtney Mayes.
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. Please attach one copy of briefs filed by you in each matter. Not applicable.
22. Have you ever held judicial office? No.
23. If the answer to question 22 is yes, describe or attach 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. Not applicable.
24. Have you ever held public office other than judicial office? No.
25. List all employment you have 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. Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) I ran as the Republican Candidate for Greenville County Probate Judge in 1998 but was defeated;
 - (b) I also ran for the Thirteenth Judicial Circuit Family Court Seat No. 3 in 2001, but withdrew from that race;
 - (c) I ran for this same seat in 2008 but was not nominated.
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? No.
28. 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.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships that 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.
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? 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?
On September 7, 2000, a lawsuit was brought against me by Stoltz Management of Delaware, Inc., and Stomad Partners, L.P. At that time, I was representing two different plaintiffs in separate lawsuits against these two parties. The parties had alleged that I slandered them. The parties eventually dropped the lawsuit and the case never went to trial. I have never been sued by any client.
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. Not applicable.
 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. Not applicable.
 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. None at the time.
 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) Member of the S.C. Bar from 1986 until present;
 - (b) Member of the Greenville County Bar Association from 1986 until 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) Greenville Rotary Club (Health and Happiness Committee Chairman)

- 1996-present;
 - (b) Western S.C. Torch Club (President 1993-1994), Treasurer 1989 – present;
 - (c) Upstate Alzheimer’s Association 1998-2006;
 - (d) Eastside Family YMCA Board of Directors 2000 – 2003, 2007 - present. I serve on the Outreach Committee which concentrates on community outreach projects.;
 - (e) First Presbyterian Church Deacon and Stewardship Committee 2001-2005.
48. Provide any other information which 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 believe that it is important for the Commission to know that I have a good relationship with members of the bar. I believe that other attorneys respect me and that they value my opinion. I also believe that I have shown that I can work with any number of people over the years and have a good demeanor in my work habits.
49. References:
- (a) David Fishburne
225 S. Pleasantburg Drive
Greenville, SC 29607;
 - (b) Frank L. Eppes
Eppes & Plumblee, P.A.
P.O. Box 10066
Greenville, SC 29603
(864) 235-02600;
 - (c) Philip Rice
Regions Bank
290 South Pleasantburg Drive
Greenville, SC 29607
(864) 233-7989;
 - (d) Nell Stewart
26 East Montclair Avenue
Greenville, SC 29609
(864) 233-7078;
 - (e) Rev. Robert Jones
First Presbyterian Church
200 West Washington Street
Greenville, SC 29601
(864) 235-0496.

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.
S/ W. Wallace Culp, III
Date: 09/18/08

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

Family Court
(New Candidate)

Full Name: W. Wallace Culp, III
Business Address: 1425 Augusta Street
Greenville, SC 29603
Business Telephone: (864) 235-0019

1. Why do you want to serve as a Family Court Judge?
I have dealt with people in Family Court situations for a number of years and would like to provide my service as a judge to the people of South Carolina. Family Court deals with matters that are emotional and have a strong impact on the lives of the parties. I understand that impact and I have a reputation of having good judgement and treating people with respect. I believe that my demeanor, intellect, and compassion for others can be used to benefit the people who appear in Family Court. I come from a family with a history of providing service to others in times of need, and I would like to continue to do that in this capacity.
2. Do you plan to serve your full term if 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?
I will not entertain *ex-parte* communications. I would not tolerate such communications, unless there is an emergency which allows them.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I would recuse myself if the person was a former associate or law partner. Otherwise, I would have to consider the circumstances as to whether or not I would recuse myself.
7. 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?
I would carefully consider the facts and circumstances and decide if I should hear the matter.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
If there were the appearance of impropriety, I would recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
In order to be careful, I would decline gifts. I would make sure any social hospitality complies with the rules.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would comply with the rules of professional conduct and report any activities I am required to report.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?
No. As a practical matter, I would probably have to resign from the Eastside YMCA Board.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
My wife and I own real estate which we rent. Other than that, I have no business activities.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
I would have the attorneys draft the Orders. I might occasionally draft a short Order.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
We would use a computer program for deadlines as well as a manual calendar.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?
I would hold periodic pre-trial conferences to make sure that the Guardian ad Litem has filed the appropriate affidavit and has filed and served the required report.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I do not favor judicial activism. Judges should follow the law and not make public policy. Making policy is the function of the legislature.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?
I want to serve on judicial committees and task forces which examine the judicial system. I would also like to be speaker at legal seminars.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?
I do not believe serving as a judge would strain personal relationships. In my 21 years of practicing law, my family and I have learned to deal with pressures and stress. My family is very supportive.
19. Would you give any special considerations to a *pro se* litigant in family court?
I would be fair to them and make sure they wanted to proceed without a lawyer. Other than that, I would make no special considerations.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
No
22. Do you belong to any organizations that discriminate based on race, religion, or gender?
No
23. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: 15%
 - b. Child custody: 15%
 - c. Adoption: 5%
 - d. Abuse and neglect: 30%
 - e. Juvenile cases: 0%
25. What do you feel is the appropriate demeanor for a judge?
A judge needs to be considerate, calm, objective, thoughtful, fair and compassionate.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
These rules apply all the time.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a *pro se* litigant?

- It would never be appropriate to be angry under these circumstances.
28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
0.00
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable
30. Have you sought or received the pledge of any legislator prior to this date?
No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No
33. Have you contacted any members of the Judicial Merit Selection Commission?
No
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes.

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

s/W. Wallace Culp, III

Sworn to before me this 18th day of September, 2008.

Notary Public for South Carolina

My commission expires: 6/13/2015

LAW OFFICES OF WALLACE CULP

ATTORNEYS AT LAW
1425 AUGUSTA STREET
GREENVILLE, SC 29605

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W. WALLACE CULP, III
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W. CORY HUGHES
ASSOCIATE ATTORNEY
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MAILING ADDRESS
P.O. BOX 10355, F.S.
GREENVILLE, SC 29603-0355

November 26, 2008

Bonnie Goldsmith
Judicial Merit Selection Commission
Post Office Box 142
Columbia, SC 29202

Re: Judicial Seat No. 6, Family Court, Thirteenth Judicial Circuit
Amendments to Personal Data Questionnaire


Ms. Goldsmith:

The following are amendments to my Personal Data Questionnaire:

1. In regard to question #8, please add I am a member in good standing.
2. In regard to question # 11, please change November 6, 2001 to November 6, 2007.
3. In regard to question # 49 (a), please add David Fishburne 225 S. Pleasantburg Drive
Greenville, SC 29607 (864) 242-1545.
4. In regard to question #49 (c), please change Phillip Rice to Susan Harvell.

Please let me know if you need anything further from me. I appreciate your assistance in
this regard.

Very truly yours,



W. Wallace Culp, III

WWCIII/gr