



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

Circuit Court
(New Candidate)

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1. Why do you want to serve as a Circuit Court judge?

It has been my honor to serve as a member of our judiciary since my appointment to the Municipal Court Bench and election to the Family Court Bench. Serving the State of South Carolina and my community as a member of the judiciary has been a humbling and rewarding experience. It not only has given me the opportunity to apply my knowledge of the law and my experience in trial advocacy daily, it has enabled me to provide the attorneys and litigants that appear before me with the reassurance that they will receive respectful and fair treatment throughout the judicial process when they enter a court of law in our state. Serving as a full-time member of the judiciary has been the most rewarding position I have ever held.

It is now my desire to continue my service as a Circuit Court Judge. My experience as an attorney and former Municipal Court Judge has given me the knowledge and experience in the handling of both criminal and civil law matters. For over twenty years, I have committed myself to understanding the law, its origins, rationale, and evolution through the multi-tiered judicial branch of our government. I have studied statutes applicable to procedure and remedy, affirmative causes of action and defenses as such may be created, and argued for strict enforcement and challenged interpretations. I have a passion for advocacy, but also a passion for the process, and ultimately to the belief that the collection of minds and the art of rhetoric will evolve a system of laws that applies to the citizenry fairly and constitutionally.

I am dedicated to adjudicating matters fairly, knowledgeably and impartially; in a way that ensures members of our community receive fair and just treatment. I have strived to do this as a Family Court Judge and now I seek to continue this service as a Circuit Court Judge. As a Circuit Court Judge, I will be able to apply what I've

learned throughout my experiences as a trial lawyer, Municipal Court Judge and Family Court Judge. It is my desire to use my knowledge and experience in this role, contributing to the continued quality and advancement of what I believe to be an exceptional Circuit Court Bench.

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 Constitutional 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?

In my opinion, ex parte communications should be avoided and the Canons governing judicial and attorney conduct with respect to ex parte communications strictly observed. There are limited circumstances in which ex parte communications are permitted. Canon 3B(7) (a)-(e), Rule 501, SCACR, provides for those situations. In those instances, ex parte communications are permitted and I have followed this rule strictly while serving on the Family Court Bench. Any such exchanges I have had, have been conducted in accordance with Rule 3 (and its subparts) in a manner that maintains propriety, ensuring the integrity of the judiciary and its processes remain intact.

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

In such an instance, I would consider the request in conjunction with the standard set forth in Canon 3E, Rule 501, SCACR. If, from the "perspective of a reasonable observer who is informed of all the surrounding facts and circumstances," my impartiality to preside over the matter "might reasonably be questioned...." I would grant the motion and recuse myself. Microsoft Corp. v. United States, 530 U.S.

1301, 1302 (2000); Canon 3E, Rule 501, SCACR. However, in instances in which the “rule of necessity” required me to preside over a matter, I would deny the motion, disclosing on the record 1) the basis for possible disqualification, 2) the “rule of necessity” rationale behind the denial of the motion, and 3) should any other matters within that specific case be scheduled to come before me, I would take reasonable efforts to transfer such hearing or trial to another judge. Canon 3E(1), Commentary.

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

In such a circumstance, I would consider the facts and circumstances of the financial or social involvement of my spouse or a close relative and I would strictly follow the Canons governing the judiciary. Based thereon, I will discourage my spouse and members of my family “from engaging in dealings that will reasonably appear to exploit...” my position. Canon 4D, Rule 501, SCACR. I have informed my spouse and my family members of my ethical obligations as a judge. I will continue to take every step possible to “avoid creating an appearance of exploitation of office or favoritism and to minimize the potential for disqualification.” Canon 4D, Rule 501, SCACR.

I would also examine the facts and circumstances of the situation under the standards set forth in Canon 3E, Rule 501, SCACR. Applying the objective standard of review set forth in Canon 3E, Rule 501, SCACR, I would conduct an inquiry into whether a “reasonable observer who is informed of all the surrounding facts and circumstances” would question my impartiality. Microsoft Corp. v. United States, 530 U.S. 1301, 1302 (2000). After such an examination, if necessary, I would disqualify myself from presiding over the matter.

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

I strictly follow Canon 4(D)(5), Rule 501, SCACR. Based thereon, I do not accept any gifts or social hospitality that violates Canon 4(D)(5). I ensure my conduct maintains the integrity of the judicial office in which I serve and I would continue to strictly follow Canon 4.

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

I have and would consider the facts and circumstances of any situation in which I became aware of misconduct or the appearance of infirmity

of a lawyer or of a fellow judge in conjunction with Canon 3D, and G, Rule 501, SCACR, Rule 8.3(b), (c), RPC, and Rule 407, SCACR.

Based thereon, I would assess whether I have sufficient information "indicating a substantial likelihood that another judge" and or attorney has violated the Canons governing the judiciary or the Rules of Professional Conduct. Canon 3D, Rule 501, SCACR. I recognize there is a distinction between having information indicating a "substantial likelihood" that a violation has occurred versus "having knowledge" of a violation. Canon 3D, Rule 501, SCACR, Rule 8.3, RPC. In the event I had information rising to the level of a "substantial likelihood" of a violation of the Canons or RPC, I would "communicate with the judge or lawyer who has committed the violation" my concerns and suggest he or she self-report the violation to the appropriate authority. Canon 3D, Commentary. If I had "knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office..." I would inform the appropriate authority. Canon 3D(1), Rule 501, SCACR. Likewise, if I had "knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer..." I would inform the appropriate authority. Canon 3D(2), Rule 501, SCACR.

If I became aware of a situation in which there is the appearance of an infirmity of another judge or lawyer, I would assess the information in conjunction with Canon 3G. I would take action "reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system." Canon 3G, Commentary. I would consider speaking directly with the judge or the attorney about the issue and or make a confidential referral to an appropriate lawyer or judicial assistance program as directed by Canon 3G.

As a Family Court Judge I have had to address such a situation and, in that situation, I strictly followed Canon 3G, making a confidential referral to assist the individual in their obvious time of need.

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

No.

11. Have you engaged in any fund-raising activities with any political,

social, community, or religious organizations? Please describe.

Yes. I have not directly solicited any donations for any political, social, community, or religious organizations. However, I have supported the charitable organization for which I formerly served on its Board by making an anonymous donation. I always strictly follow the mandates of Canon 4C(3)(b), Rule 501, SCACR.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

Yes. I am currently the sole member of a limited liability company: 101 W. Park Avenue, LLC. 101 W. Park Avenue, LLC is a limited liability company that owns and manages property. The only asset the limited liability company has is the property located at 101 W. Park Ave. Greenville, SC 29601 and its sole purpose is to manage and maintain it.

13. If elected, how would you handle the drafting of orders?

I recognize that litigants are entitled to the prompt, efficient and fair resolution of their legal matters in accordance with the laws of our State. Canon 3B(8), Rule 501, SCACR. Our Code of Judicial Conduct, mandates that "a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay." Canon 3B(8), Commentary. In this regard, a judge shall "devote adequate time to judicial duties..." and "insist that court officials, litigants and their lawyers cooperate with the judge to that end." Canon 3B(8), Commentary.

In keeping with our Canons and the practice used in most Circuit Courts, I would approach the drafting of orders by: 1) drafting the order myself to ensure it is timely issued, 2) using the services of my law clerk to assist in the drafting and or finalizing of orders; 3) requiring counsel to prepare proposed orders (timely exchanging drafts for comments and or edits); or 4) using form orders when appropriate. As a Family Court Judge, I have employed a similar practice and my orders are timely filed and received by the litigants and or their attorneys.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

Daily communication with my administrative assistant and law clerk is crucial to ensure deadlines are met. As a Family Court Judge, I

meet with my administrative assistant daily so that we ensure deadlines are met. Further, we use an electronic calendar to ensure deadlines are maintained. I would continue this practice with my administrative assistant and law clerk as it has proven to be an effective way to ensure deadlines are met.

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

“Judicial activism,” defined as I have come to understand it, is the practice or occasion in which a judge essentially ‘makes law’ by going beyond the plain language of governing statutes and implying certain meanings, expanding or contracting its application outside of the boundaries of clear language, or otherwise straying from application of known legislative intent. That stated, my philosophy on “judicial activism” has not changed and is straightforward – it is inappropriate and patently inconsistent with the roles and relationships between the legislative and judicial branches of government and the proper functioning thereof.

The South Carolina General Assembly is charged with authoring and codifying law. It is the role of the judiciary to interpret and apply it to the facts and circumstances of the cases that come before the court according to existing rules of statutory construction and the principles of stare decisis. Thus, while the court may consider the legislative intent of a statute when such intent is unclear and in need of interpretation, the court is ultimately charged with applying the plain language of the statute to the facts and circumstances of a given case. The court may not ignore the express language contained therein. It is the legislature that makes the law that reflects public policy, not the judiciary.

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

I plan to continue to lecture and present at continuing legal education seminars or law schools. Throughout my legal career, I have mentored attorneys requesting my assistance in learning how to effectively present cases for trial. I will continue to mentor attorneys in this capacity within the confines of the Canons governing our judiciary.

17. 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 address this?

I do not feel that serving as a judge strains my personal relationships. I have not experienced any pressure on any of my personal relationships while serving as a judge. I have not experienced any adverse consequences serving as a judge.

My spouse, family and friends have been supportive of my serving as a Family Court judge and they are supportive of my decision to serve as a Circuit Court Judge. I have a wide variety of friends with different backgrounds, some of which are attorneys. Everyone who knows me knows my integrity and understands that I decide all cases that come before me based on the applicable law and the evidence, impartially, and regardless of any relationships outside of the courtroom.

In the unlikely event I experience any unforeseen pressures on my personal relationships, I will assess the situation in light of our Canons. I will strictly follow our Canons and ensure my reputation remains beyond reproach.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

Our South Carolina General Assembly has determined by statute the appropriate sentencing ranges for all offenders. The sentencing ranges are established by statute, and those sentencing ranges must be strictly adhered to and applied in every instance.

My sentencing philosophy first begins with overarching principles that I will apply to all categories of offenders for every case:

1. The statutorily-established sentencing ranges shall always be applied, and if statutorily-prescribed mitigating and aggravating factors are enumerated as they are for certain offenses, the absence or presence of these will be given primary consideration in determining appropriate sentences within the ranges;
2. The nature and circumstance of the offense;
3. The need for the sentence imposed; that is, to protect the public from future crimes of the offender, as well as to ensure respect for the law; and

4. The history and character of the offender and the potential rehabilitative or correctional treatment available to the offender in light of the sentence imposed.

I will also consider any plea agreements and negotiated sentences between the Solicitor's office and the offender. It has been my experience that solicitors and defense counsel and their client(s) are most knowledgeable about the individual matters before the court. Therefore, I will defer to such agreements I believe to have been appropriately reached, when the offenders subject to the results of such agreements have fully satisfied the court of the requisite affirmations and their genuine desire to have such agreement accepted.

I will apply the aforementioned principles to each category, with the following additional considerations:

- a. Repeat offenders: Repeat offenders should not receive the benefits and opportunities that are given to first-time offenders. Offenders repeating criminal conduct demonstrate either a continued willful disregard for their victims or the public, a disrespect of the judicial and penal system, and/or sometimes simply an inability to learn from mistakes or to make changes to better themselves in their functioning as productive and safe members in a civilized society. Factors I will also consider however, include, but are not limited to:
 1. the offender's prior criminal history and the length of time that has passed since the last offense. For example, someone who was convicted of committing a crime in his or her youth may receive a lesser sentence than someone who was convicted of an offense within the past three to five years;
 2. the nature of the offender's criminal history, in conjunction with the offense for which he or she is being sentenced. For example, an offender who is being sentenced as a result of a violent offense who has prior convictions for violent offenses or offenses involving physical altercations in a short period of time might receive a sentence closer to the maximum provided by the statute than someone who does not.

Last, while the facts and circumstances of each case must be considered, I will also be mindful not to create sentencing

disparities amongst similarly situated offenders.

- b. Juveniles (that have been waived to the Circuit Court): The Supreme Court and our appellate courts have noted that juvenile offenders are almost in a separate class of persons when sentenced by the court. This is as a result of a juvenile offender's maturity level and ability to control his or her impulses. Thus, when sentencing juvenile offenders, I will be cognizant of the pertinent case law governing juveniles, crafting a sentence structured to the individual to ensure the juvenile offender can be educated and led away from future criminal conduct.
- c. White collar criminals: I will apply the laws of our state fairly and consistently to all offenders, while ensuring the sentence is not greater than necessary to deter the future criminal conduct of the offender. A number of factors are considered in sentencing "white collar" offenders to ensure the punishment is just and the victims of the offense are made whole (if possible). For example, I would consider the offender's ability to pay restitution to the victims and fashion a sentence that enables him or her to do so.
- d. Defendants with a socially and/or economically disadvantaged background: No one, regardless of their social or economic background, has the right to violate the law. The laws of our State should be fairly and consistently applied by the Court in all cases. However, I will consider the facts and circumstances of each offender's background. This is just one of many factors I will consider in fashioning a fair and just sentence.
- e. Elderly defendants or those with some infirmity: Another factor for the court to consider when sentencing an offender is their age and whether they suffer from an infirmity. Obviously, elderly offenders and those that suffer from an infirmity may argue that these are mitigating factors for the court to consider. However, as previously stated, the laws of our State should be fairly and consistently applied by the court in all cases. Thus, these are merely two factors I will consider in fashioning a fair and just sentence. For example, I would take into consideration such things as whether an infirmed offender needs medical treatment while incarcerated, and whether the South Carolina Department of Corrections was able to provide that treatment.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No. While I may receive additional de minimis income from my real estate investment as described hereinabove, that investment would not reasonably be perceived to exploit my judicial position. Canon 4D(1), Rule 501, SCACR. The only additional investment income I receive is derived from the rental of my investment property or as a result of stock holdings. The real property I have an interest in is owned by a limited liability company and I am the only member. My participation in this limited liability company will not conflict with my judicial duties or create the appearance of impropriety. Canon 4D(3), Commentary. I will ensure my membership will not violate the Canons governing our judiciary. Moreover, my participation in this company will not require my frequent disqualification over matters.

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

I will strictly follow the Canons governing our judiciary. In that regard, I will assess the facts and circumstances surrounding the instance in light of Canon 3E, Rule 501, SCACR.

Canon 3E(1)(c) provides:

A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(c) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or children wherever residing, or any other member of the judge's family residing in the judge's household has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than *de minimis* interest that could be substantially affected by the proceeding.

Based thereon, I will disclose on the record the information that I believe the lawyers and the parties might consider relevant in making a determination as to my disqualification. Canon 3E(1), Commentary. I will disqualify myself if my "impartiality might reasonably be questioned...." Canon 3E(1), Rule 501, SCACR. If the "rule of necessity" requires me to continue to preside over the matter, I will do so. Canon 3E, Rule 501, SCACR. However, I will take the necessary

steps to transfer the matter as soon as practicable to another judge. Canon 3E(1), Commentary. I will act in accordance with our Canons to ensure the integrity of the judiciary and its processes.

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

Yes.

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

A judge should be patient, dignified and respectful of others. Canon 3B(4), Rule 50, SCACR. A judge represents more than just themselves, and they should conduct themselves at all times in a manner that maintains the integrity of the office they hold. The Canons governing the judiciary should always be followed. While a judge should be patient, they should also be decisive. A judge should be courteous to others and show humility. I have strived to be all these in my service as a judge.

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

My experience as a judge has taught me that everyone reacts differently to stressful situations. Thus, there may be instances in which a judge must be stern or firm in his or her demeanor. However, there is never a role for anger when dealing with any member of the public, criminal defendants, court staff, litigants, or attorneys. A judge should always be respectful of others and should not display condescension or arrogance. A judge should ensure their actions always maintain the integrity of the office they hold and the proceedings.

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

s/Jessica A. Salvini

Sworn to before me this 5th day of July, 2023.

s/Emily Skidmore

Emily Skidmore

Notary Public for South Carolina
My Commission Expires: 11/1/2027