



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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: Jan B. Bromell Holmes

Business Address: 401 Cleland Street, Ste. 238
P.O. Box 479
Georgetown, SC 29442

Business Telephone: (843) 545-3035

1. Do you plan to serve your full term if elected? Yes

2. If elected, do you have any plans to return to private practice one day? No

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

4. What is your philosophy regarding *ex parte* communications?

My philosophy regarding ex parte communications is that all parties should have the right and opportunity to be heard on any matter pending or impending before the Court prior to any decision being made by the Court. Canon 3(B) (7) directs "that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding.

Are there circumstances under which you could envision *ex parte* communications being tolerated?

The circumstances that I envision ex parte communications being tolerated are: (1) administrative purposes: the judge speaking with the clerk in order to schedule a case; (2) emergencies that do not deal with substantive matters or issues on the merits. If ex parte

communication is entertained at this time, the judge must reasonably believe that no party will gain a tactical or procedural advantage as a result of the ex parte communication; (3) the judge seeking advice from a disinterested expert on the law applicable to a pending or impending matter. If advice is sought, the judge must give notice to all parties of the name of the person consulted and the substance of the advice. The parties must also be given a reasonable opportunity to respond; and (4) by consent of the parties in an effort to settle or mediate contested issues pending before the judge. I have issued temporary restraining orders in domestic violence matters where it appeared based on the affidavit of the affiant or in the verified complaint, that immediate and irreparable harm, injury, loss or damage would result to the affiant before notice could be served and a hearing held thereon. I have also issued temporary custody on an emergency basis without prejudice to the opposing party when it appeared that the minor child was in eminent danger or would suffer irreparable harm. I however, required an emergency hearing be scheduled to give the opposing party an equal opportunity to address the court.

5. 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? Yes

If I disclosed something that had the appearance of bias, but believed it would not actually prejudice my impartiality, I would give the parties an opportunity to discuss my recusal outside of my presence and if they further desired recusal, then he/she would be allowed to file and/or make an oral motion for my recusal.

Would you grant such a motion? Yes

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

I make it a practice to not accept gifts from individuals likely to come before me to avoid casting doubt on my capacity to act impartially as a judge. With respect to social hospitality, I attend functions classified as ordinary social hospitality so long as I'm not the only invited person. I also attend functions such as birthday parties, weddings and anniversaries as long as there is no expectation that I may show partiality toward the hostess or honoree. In accordance

with Canon 4 (D) (5), I could accept gifts incident to: (1) a public testimonial, books, tapes or other resource materials provided by a publisher on a complimentary basis for my official use; (2) the business, profession or other separate activity in which I am involved, provided it can't be perceived as intending to influence me in the performance of my duties; (3) ordinary social hospitality; (4) my birthday or anniversary from family and/or friends, provided the gift is commensurate to the occasion and the relationship; and (5) a gift as a result of a relationship from individuals of whom I would be disqualified from hearing any matters.

7. 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? Canon 3 (D) (2) directs that if I became aware of misconduct of a lawyer, I should call the violation to the lawyer's attention. I should further do what I could to rectify the problem and if the violation raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, as difficult as it may be, I must report the violation to the appropriate authority.

Canon 3 (D) (1) directs that If I became aware of misconduct of a fellow judge, I should call the violation to the fellow judge's attention. I should further do what I could to rectify the problem and if the violation raises a substantial question as to the other judge's fitness for office, as difficult as it may be, I must report the violation to the appropriate authority.

8. Are you affiliated with any political parties, boards or commissions? No. If so, in what capacity are you serving? No
9. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Yes Please describe. My sorority, Alpha Kappa Alpha Sorority, Inc., Mu Phi Omega Chapter has a Biennial Debutante Cotillion where young ladies are invited to participate as a Debutante to raise funds that the Chapter in turn uses to provide scholarships, perform needed services, as well as make financial contributions to worthy community causes. In 2018 my daughter was a Debutante. During the various fundraising projects, the Sorority, Chapter, Team Number and perhaps the Debutante's Name is listed. I assisted in planning of the fundraisers

and managed the funds raised until the process ended and funds were turned into the Chapter. No reference to my position as judge was used to solicit any funds. Each Debutante Team was comprised of at least 9 members of the chapter.

I served as financial secretary for my church, St. Paul AME for approximately 12 years until August, 2021. The church has many fundraisers throughout the year. I work along with the planning of some fundraisers and as financial secretary reported on the management of funds.

10. How would you prepare for cases that were before you?

I would review the Record on Appeal, Petitioner's/Appellant's Brief, Respondent's Brief, transcript of trial proceedings, Order of the Court/Judge on Appeal, applicable case and statutory law, and all other documents submitted for my review prior to hearing oral arguments and ruling on the matter.

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

A judge takes an oath to judge fairly and impartially, according to the evidence presented to him/her. I am to interpret the law as written and not create law based on my emotion, personal bias, political persuasion or to influence public policy. It is my duty at all times to issue rulings according to the law as written and the author's intent.

12. 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 speak to youth groups at the Courthouse, at Church and at schools for Career Day, Constitution Day, Truancy, Human Trafficking and other issues that affect juveniles. I also address the importance of youth furthering their education as well as give words of encouragement. I have also presented to adults at the Father's Place Initiative concerning what is expected of them as custodial and non-custodial parents. I also serve as Judge for Mock Trial. I plan to continue engaging in these types of forums because I enjoy doing so and to promote confidence in our laws and the judicial system.

13. 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? ? I do not feel that the pressure of serving as a judge strains my personal relationships. When I am not at work, I am with my family, working for my church in some capacity or working for my sorority in some capacity. I haven't had to change the activities in which I engage or change the person that I am because I always carried myself in the utmost of respect. Imbedded in me is the fact that my character is of highest importance. I have guarded my activities and associations with my character in mind.

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas.

a) The use and value of historical evidence in practical application of the Constitution: The use and value of historical evidence would be helpful in practical application of the Constitution if the language of which the Court was asked to interpret is unclear. Otherwise, the Court is expected to interpret and apply the plain meaning of the Constitutional issue before it.

b) The use and value of an agency's interpretation of the Constitution: The use and value of an agency's interpretation of the Constitution is but one side. There would be the opposing side's interpretation as well. The Court should consider both sides and then interpret and apply the plain meaning of the Constitutional issue before it.

c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

The use and value of documents produced contemporaneously to the Constitution, such as minutes of the convention would give insight as to what was discussed and considered at the time the Constitution was being debated and drafted. However, the specific terms included in the Constitution controls and is what the Court should give credence.

Which area should be given the greatest weight? Documents such as the minutes produced contemporaneously to the Constitution, should

probably be given the greatest weight if it conforms to the intent of the Framers as specified in the Constitution.

15. 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? No If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

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

17. What do you feel is the appropriate demeanor for a judge and when do these rules apply? I feel that the appropriate demeanor for a judge is to be in control of oneself at all times. A judge should be patient, courteous, fair, impartial, dignified, fearless, attentive, competent and efficient at all times.

18. Would there be a role for sternness or anger in meetings with attorneys? One can be stern without exhibiting anger. Anger is never appropriate in dealing with attorneys or a pro se litigant. Canon 3(B) (4) directs that a judge shall be patient, dignified and courteous to all individuals appearing before him or her.

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

Sworn to before me this ____ day of _____, 2023.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____