



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

**Circuit Court
(Incumbent)**

Full Name: Michael Shea Holt

Business Address: Room 402, Darlington County Courthouse, #1 Public Square, Darlington, SC 29532

Business Telephone: 843-398-4334

1. Why do you want to serve another term as a Circuit Court Judge?

I enjoy the work and consider it a great honor to serve in the judiciary.

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

Yes

3. Do you have any plans to return to private practice one day?

No

4. Have you met the 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?

I make every effort to avoid any improper communications. Only in an emergency scenario should an *ex parte* communication be considered per the Canons.

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 most scenarios I would recuse myself for appearance sake. However, if the movant is making the motion for any frivolous purpose, the court would likely not recuse itself.

7. 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 under any of those descriptions.

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

I make a practice not to accept personal gifts. I don't have many opportunities to accept invitations to social functions, but if I do I am careful to avoid the appearance of impropriety.

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?

Per the Canons, I would be required to report the matter.

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

None

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

None

12. How do you handle the drafting of orders?

My law clerk assists me.

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

My law clerk maintains a flow chart to track outstanding orders. Based upon that chart and my notes from hearings, we use chambers weeks to clear all outstanding matters.

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

I don’t believe that judicial activism is appropriate. The court should not be involved in the setting or promoting public policy.

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

I would continue to do as I’ve done in the past, which includes speaking to civic groups and organizations, as well as speaking in schools or working with students who aspire to be lawyers.

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

I have had to distance myself from relationships at various times to avoid awkward or inappropriate conversations. You also have to distance yourself from some past relationships.

17. 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.

a. Repeat offenders: I consider a number of factors: Distance in the times of the offenses; the nature of the offense, as well as any other mitigating circumstances. Violent offenders are a different matter. Whereas I would consider those same factors, the court must consider the safety of the public.

b. Juveniles (that have been waived to the Circuit Court): As a former Family Court Judge, I am familiar with the juvenile process and even “waived up” juveniles. It is difficult because despite the crime, the juvenile is still a child. In the case of a juvenile who has been “waived up,” I would certainly recognize the juvenile was a child with a brain which is not

fully developed but I would not be bound or limited by that fact.

- c. White collar criminals: “White collar” crime often involves a betrayal of trust. Typically, these are first time offenders, a factor the court takes into consideration. Certainly, though, the degree of the offense carries great weight in the court’s decision. As a result, it would be my desire to have those victimized by the offender to be heard before the court to put the crime in context.
 - d. Defendants with a socially and/or economically disadvantaged background: This does impact my sentencing, especially in matters that don’t involve violent offenses.
 - e. Elderly defendants or those with some infirmity: I am compassionate toward the elderly and those with infirmities.
18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
- No
19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
- No
20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.
- No
21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period?
- Yes
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge is scrutinized in the public arena, which means you must assume you are being watched at all times. Therefore, the judge must always be polite, respectful, compassionate, kind and patient.

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

It is not appropriate. When you lose your composure, you are likely to say or do something regrettable.

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

MICHAEL S. HOLT

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

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____