

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

Family Court
(Incumbent)

Full Name: Jan B. Bromell Holmes
Business Address: 401 Cleland Street, Ste.
238 P.O. Box 479
Georgetown, SC 29442
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1. Why do you want to serve another term as a Family Court Judge?

I would like to serve another term as a Family Court Judge because I love my job. I enjoy going to work each day. I appreciate the personality and disposition of each person I encounter. I still have a strong passion for Family Law. I am naturally inclined to attentively and objectively listen to all parties in a dispute. I am inherently fair, open-minded, courteous, diligent, patient, humble and compassionate. I still possess the intellectual capacity to interpret legal principles, apply them to the facts of each case and clearly and logically communicate the reasoning leading to my conclusions. I still possess the ability to work well with others as well as relate well to others, regardless of their background.

2. Do you plan to serve your full term if re-elected? Yes
3. Do you have any plans to return to private practice one day? No
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications?

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 experienced temporary restraining orders being issued in orders of protection and 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 bench warrants for failure to pay child support as ordered by the court without the actual rule to show cause action and summons being served on the Defendant because it appeared to the court that the Defendant could not be served with notice. I have also issued 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.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

My philosophy on recusal, especially in situations in which lawyer legislators, former associates, or law partners are to appear before me would be to recuse myself. Failing to do so creates a situation where my impartiality might reasonably be questioned and may usurp the integrity and independence of the judiciary as well as create an 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?

If I disclosed something that had the appearance of bias, but I believed it would not actually prejudice my impartiality, I would allow a party and his/her attorney if represented, the opportunity to discuss my disqualification/recusal outside of my presence. Once the party has discussed my disqualification/recusal, I would allow the party to request my recusal in the form of a motion, if he/she desires. Would you grant such a motion? Yes, I would grant the party's motion for my recusal.

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

I would disqualify or recuse myself from a pending or impending proceeding that involved the appearance of impropriety because of the

financial or social involvement of my spouse or a close relative. I would also discourage my spouse or close relative from continuing relationships with individuals likely to come before the court in which I serve to avoid creating an appearance of exploitation of my office or favoritism and in order to minimize the potential for my disqualification in the future.

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

I would 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 would attend functions classified as ordinary social hospitality so long as I wasn't the only invited person. I would attend functions such as birthday parties, weddings and anniversaries. In accordance with Canon 4 (D) (5), I would 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 not 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; (4) relationships from individuals of whom I would be disqualified from hearing any matters.

10. How do you handle a situation in which you became aware of misconduct 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.

11. Are you affiliated with any political parties, boards or commissions which, if you were re-elected, would need to be re-evaluated? No
12. Do you have any business activities that you have remained involved with since your election to the bench? No

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

The drafting of orders is assigned to the prevailing party's attorney consistent with the judge's findings of facts, conclusions of law and the applicable case law as recited by the judge in issuing his/her ruling in the case. Once the order is drafted, a copy is provided to the other side for approval and presented to the judge for signature. In instances where a Pro Se prevails over an attorney, I draft the order. In Contempt actions brought by the Clerk of Court, the Clerk drafts the order for my signature.

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

We use note sheets for each case heard by me. The note sheets are referenced on a weekly basis for receipt of orders for my signature by staff. My staff makes calls to attorney's office to inquire of the status. Once an order is received and signed, it is noted on the sheet.

15. What specific actions or steps do you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

Prior to beginning any hearing involving a Guardian Ad Litem, I review the file for the interim and final reports to ensure that guidelines and statutes were followed during the pendency of the case.

16. 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 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. However, there are times that a judge needs to be creative when dealing with juveniles, much like parents have to be with children.

17. 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 have and plan to continue to accept speaking engagements geared at sharing with particular audiences about the family court system and what the law expects of them. I particularly enjoy speaking to youth because they are inquisitive and have the desire to understand the legal system.

18. 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 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. When people ask me for legal advice now, I disclose to them that a judge is not at liberty to give legal advice.

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

No

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

No, I would not hear a case where I or a family member held a de minimis financial interest in a party involved. Canon 3 (E) (1) (c) directs that a judge shall disqualify himself or herself from a proceeding if the judge or a member of the judge's family held more than a de minimis interest in a party to the proceeding. I would not hear the case even though the question states that the interest is de minimis to avoid the appearance of impropriety.

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

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

23. What do you feel is the appropriate demeanor for a judge?

I feel that the appropriate demeanor for a judge is to be in control of herself at all times. A judge should be patient, courteous, fair, impartial, dignified, fearless, attentive, competent and efficient at all times.

24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?

The rules apply seven days a week, twenty-four hours a day wherever I am.

25. 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?
No. Anger is never appropriate in dealing with attorneys or pro se litigants. Canon 3(B) (4) directs that a judge shall be patient, dignified and courteous to all individuals appearing before him or her.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. 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
31. Have you contacted any members of the Judicial Merit Selection Commission? No
32. 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.

Jan B Bormell Holmes

Sworn to before me this 2 day of August, 2012.

Notary Public for South Carolina

My commission expires: 07/02/20

Jan B. Bromell Holmes
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Georgetown, SC 29440
(843) 546-2054

October 22, 2012

Judicial Merit Selection Commission
Jane O. Shuler, Esq.
1101 Pendleton Street
Columbia, SC 29201

Re: 15th Judicial Circuit
Judge of Family Court, Seat 1

Dear Mrs. Shuler:

Enclosed please find the amended Sworn Statement to be included in transcript of Public Hearings. I look forward to continuing to work with you through the screening process. With best regards, I am

Very truly yours,



Jan B. Bromell Holmes

:JBBH

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? **My philosophy on recusal when lawyer-legislators appear before me is to recuse myself only if I have a conflict. Otherwise, lawyer-legislatures are entitled to the same treatment any attorney appearing before the court. They are entitled to an impartial, attentive, a fair-minded and courteous judge. My philosophy on recusal when former associates or law partners appear before me would be to recuse myself. Failing to do so creates a situation where my impartiality might reasonably be questioned and may usurp the integrity and independence of the judiciary as well as create an appearance of impropriety.**