

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

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

1. NAME: The Honorable Jan B. Bromell Holmes
BUSINESS ADDRESS: 401 Cleland Street, Ste. 238
P.O. Box 479
Georgetown, SC 29442
TELEPHONE NUMBER: (office): 843-545-3035
2. Date and Place of Birth: 1970; Georgetown, SC
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 September 20, 1997, to Cleveland Bernard Holmes
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.

College attended:

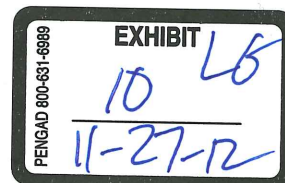
Fisk University
Dates attended: 08/88-05/92
Nashville, TN
Degree received: BA in English and Political Science, Magna Cum Laude

Law School attended:

NC Central School of Law
Durham, NC
Dates attended: 08/92-05/95
Degree received: JD

8. List the states in which you have been admitted to practice law and the year of each admission.
I was admitted to practice law in the State of SC on November 13, 1995. Also list any states in which you took the bar exam but were never admitted to the practice of law. None. 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.
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.

While a student at Fisk University, I provided services to the Fisk University Chapel as an acolyte on Sunday mornings. I also joined the Political Science Honor Club and Alpha Kappa Alpha Sorority, Inc.



While a law student at NC Central University School of Law, I joined the Moot Court Board. This Board held annual competitions in which individuals were grouped into teams of two. Members from the NC District Court and Court of Appeals served as judges for the competition. My team won the competition in 2004. I also interned at the Durham County Public Defender's Office from the summer 2003-December 2004.

10. Describe your continuing legal or judicial education during the past five years.
- | <u>Conference/CLE Name</u> | <u>Date(s)</u> |
|---|----------------|
| (a) FCJA/Family Court Judges Conference | 04/18-20/12; |
| (b) SC Bar (Family Law Section) Annual Convention | 01/20/12; |
| (c) Horry County Bar/Family Court Seminar | 12/13/11; |
| (d) SC Bar/2011 SC Family Court | 12/02/11; |
| (e) SCCA/2011 Annual Judicial Conference | 08/17-19/11; |
| (f) SCAJ/2011 SCAJ Annual Convention | 08/04/11; |
| (g) FCJA/Family Court Judges Conference | 06/01-03/11; |
| (h) SC Bar/Annual Convention(Family Law Section) | 01/21/11; |
| (i) Horry County Bar/Family Court Seminar | 12/09/10; |
| (j) SCBar/2010 SC Family Court | 12/03/10; |
| (k) CLO/Mini Summit on Justice for Children | 12/02/10; |
| (l) SCCA/2010 Judicial Conference | 08/18-20/10; |
| (m) FCJA/Family Court Judges Conference | 04/22/10; |
| (n) SC Bar/ (Family Law Section) Annual Convention | 01/22/10; |
| (o) SCBar/ 2009 SC Family Court Bench/Bar | 12/04/09; |
| (p) SCCA/2009 Annual Judicial Conference | 08/19-21/09; |
| (q) FCJA/Family Court Judges' Conference | 04/22-24/09; |
| (r) SC Bar/2009 SC Bar Annual Convention | 01/23/09; |
| (s) Horry County Bar/ Family Court Seminar | 12/17/08; |
| (t) SC Bar/2008 SC Family Court Bench Bar | 12/05/08; |
| (u) FJC/National Judicial College--General Jurisdiction | 10/19-30/08; |
| (v) SCCA/ 2008 Judicial Conference | 08/20-22/08; |
| (w) FCJA/ 2008 Family Court Judges Conference | 04/23-25/08; |
| (x) SC Bar/Family Law Section | 01/25/08; |
| (y) SC Bar/Family Court Bench/Bar | 12/07/07; |
| (z) Horry County Bar/Family Court Procedural | 10/11/07; |
| (aa) SCCA/2007 Judicial Conference | 08/22-24/07; |
| (bb) SCCA/ Orientation School for Family Court | 07/11/07; |
| (cc) FCJA/ Family Court Judges' Conference | 4/25-27/07. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I have presented at the 2007, 2008, 2009, 2010, and 2011 Horry County Bar Family Court Seminar-Procedural for Family Court practitioners;

- (b) I have presented at the National Business Institute One Day Seminar entitled "What Family Court Judges Want You to Know" on October 28, 2011;
 - (c) I have presented at the Children's Law Center Volunteer Guardian ad Litem Conference entitled Permanency Planning for Children on October 7, 2011, to volunteer guardian ad litem;
 - (d) I have presented at the Children's Law Center "Training for Attorneys Appointed in Abuse and Neglect Cases" in the 15th Judicial Circuit on November 13, 2009.
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.
- (a) Admitted to practice before the State Courts of SC on November 13, 1995;
 - (b) Also admitted to practice before the US District Court for the District of SC on January 26, 2006.
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.
- 14.(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.

Since my graduation from law school on May 13, 1995, I worked for Morant and Morant Law Firm located at 1022 Prince Street in Georgetown, SC, from September 1995-July 1997. I performed title searches, closed real estate loans, handled social security disability cases, personal injury cases, prepared wills, prepared deeds and handled family court cases.

In July 1997, I ventured out and opened my own law firm, Jan B. Bromell, P.A. Seventy-five percent of my practice consisted of domestic matters. I prosecuted and defended child support and child custody cases, divorce, alimony, separate maintenance and support, adoption and termination of parental rights, appointed and retained on juvenile cases, appointed and retained on abuse and neglect matters, name change, annulment, equitable distribution, and orders of protection. Twenty-four percent of my practice consists of civil matters. I handled real estate transactions, performed title searches, handle social security disability cases, personal injury cases, prepared

power of attorney, contracts, wills and deeds. One percent of my practice consisted of criminal cases.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. None.

22. Have you ever held judicial office?

Yes. Family Court Judge. I was elected February 7, 2007, by the S.C. General Assembly to serve a period beginning July 1, 2007-June 30, 2013. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court. Family Court is empowered by statute to have exclusive jurisdiction over all matters involving domestic or family relationships. Family Court handles issues involving marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support(spousal and child), alimony, equitable division of marital property, and name change(adult and child). Family Court also has exclusive jurisdiction to hear matters involving juvenile delinquency for juveniles 17 and under alleged to have violated any state law or municipal ordinance. Juveniles who have committed serious criminal charges may be waived or transferred to Circuit Court.

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.

(a) High v. High, S.C. Court of Appeals Opinion # 4717

This was a divorce action with an agreement on equitable distribution of marital property and debt. The contested issues were child custody and attorney fees. The matter was appealed. The Father appealed my order granting Mother sole custody of the couple's two children, arguing the family court erred in: (1) refusing to qualify Teresa Harrington, LPC as an expert witness; (2) prohibiting the introduction of statements made by the couple's minor daughter to Harrington; (3) refusing to admit Harrington's records into evidence; (4) making certain findings of fact relevant to the issue of custody which were not supported by the record; (5) failing to consider important factors contained in the record in its award of primary custody to Mother; (6) awarding Mother sole custody based on the fact that Mother was historically the caregiver of the minor children; and (7) granting Mother custody based on the primary caretaker factor. The Mother cross-appealed arguing that the family court erred in (1) hearing Father's untimely motion to alter or amend, and (2) failing to award her attorney's fees and costs. The Court of Appeals affirmed my ruling.

(b) In the Interest of Spencer R., S.C. Court of Appeals #4668

This was a juvenile delinquency matter in which Spencer R. was charged with pointing and presenting a firearm. This case was my first

juvenile trial as a family court judge. What was difficult about this case is that the State charged the juvenile in one petition for pointing and presenting a firearm at three different people. I didn't understand why the State didn't file three petitions, one for each person. It was clear to me that the juvenile intended to point and present a firearm at one of the individuals, but not the other two. However, because of how the petition was filed, I thought that I had to find the juvenile delinquent on the petition. The juvenile appealed his conviction for presenting a firearm, alleging the family court erred in finding sufficient evidence to support his conviction. The Court of Appeals affirmed the conviction of one of the individuals and reversed the conviction of the other two individuals. I am particularly proud of this case because prior to my ruling, there was no case law in the State of SC which defined presenting a firearm.

(c) Simmons vs. Simmons, Supreme Court Opinion #26970.

This was a difficult case for me. The parties divorced in 1990 and entered into a family court-approved settlement agreement that was determined to be void in part. A central part of the parties' agreement required Husband to give Wife one-third of his Social Security benefits if he began receiving them at age 62 or one-half of those benefits if he began receiving them at age 65. The Social Security benefits were to "be construed only as a property settlement, and shall not in any way be considered or construed as alimony." Husband attained the age of 62 in 1994 and 65 in 1997, but he failed to pay Wife any portion of his Social Security benefits. In December 2003, Wife filed a petition for a rule to show cause, seeking to compel compliance with the agreement. Husband responded by filing a Rule 60(b)(4), SCRPC,[2] motion, asserting that the family court lacked subject matter jurisdiction to order division of his Social Security benefits. The family court dismissed Husband's subject matter jurisdiction challenge, and Husband appealed. The court of appeals reversed. Simmons v. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006). The court found that the Social Security Act, specifically 42 U.S.C. § 407(a) (2010), preempted and expressly precluded the parties' agreement to divide Husband's Social Security benefits. As a result, the court voided that portion the agreement. The appeal presented the question of whether the family court may revisit, in whole or in part, the now partially voided agreement. I ruled in 2008 that I lacked subject matter jurisdiction to reconsider the 1990 court-approved agreement. The Supreme Court reversed and remanded for reconsideration of the court-approved agreement.

(d) Charleston County DSS v. Latrina R, 2009-UP-570

This case was significant to me in that it involved a mother who had an extensive history with the Charleston County DSS for abuse and neglect of her children due to drug addiction. The CCDSS sought to terminate

her parental rights. I found that they met their burden by clear and convincing evidence on four grounds: failure to remedy the condition that caused the removal of the children from her home; the children were removed from the home and the mother failed to support the children for more than a six month period; the children were removed from the home and the mother failed to visit the children for more than a six-month period; the children were in foster care for 15 of the most recent 22 months. The Guardian recommended that I return the children to the Mother because the CCDSS had failed to file the TPR action within 60 days of the permanency planning hearing as ordered by the Court. He didn't consider the fact that the children were doing well in foster care and that one of the children didn't remember the Mother. It didn't appear that the GAL understood his role in the matter. The Court of Appeals found that TPR was in the Children's best interests and affirmed my decision.

(e) Erma L.J. and Joe J., Jr. vs. Linda D.W. 2010-UP-506

The facts of this case were difficult. A mother was serving time in prison for the murder of one of her children. The paternal grandparents sought to terminate her parental rights and adopt the remaining two children. Mother was not able to personally appear because she was incarcerated in the State of NC. However, she was allowed to testify by teleconference in my chambers because the courtroom did not have a telephone line. She objected to her rights being terminated. The Father consented to his parents adopting the children and thereby signed a consent and relinquishment terminating his parental rights and consenting to the adoption. I terminated the Mother's rights on two grounds: based on the severity of abuse the home cannot be made safe within twelve months and the physical abuse of a child by a parent resulted in the death of the child and the parent was convicted of murder. I further found that TPR was in the minor children's best interest. The Court of Appeals affirmed my ruling.

24. Have you ever held public office other than judicial office? No. 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. Yes. If not, were you ever subject to a penalty?
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. None.
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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer. Holmes and Holmes Trucking, Inc. March 2005-09. I was co-owner along with my husband. This business was a logging business in which my husband operated an 18-wheeler truck on a part-time basis. I really had no duties with respect to the business.

28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships 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?

I was cited for careless operation and fined \$225.00 approximately 8 years ago. I was actually speeding. I was en route from District Court in Charleston back to my law office for a 2:00 p.m. appointment.

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? No. Have you ever defaulted on a student loan? No. Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

While on the Board of Directors of the Georgetown County Chamber of Commerce, I was sued, individually as well as a member of the Board of Directors, along with all other Board of Directors by another board member. The case was filed as Case # 2000 CP 22 177 Perry Johnson, Plaintiff vs. Georgetown County Chamber of Commerce, Mary Michel individually and as President of the Georgetown County Chamber of Commerce, M. P. Swenson individually and as Chairman of the Board and as Representative of all members of the Board of Directors of the Georgetown County Chamber of Commerce, Dan Scheffing, as Successor Chairman of the Board and as Representative of all members of the Board of Directors of the Georgetown County Chamber of Commerce, Nikki Ewing, David Schronce, Allen Altman, Drew Johnson, Russ Campbell, Jan Bromwell-Holmes, Gail Restar, Mike Andrews, and Linda Ketron, individually and as members of the Board of Directors of the Georgetown County Chamber of Commerce, Defendants.

The suit was really a petty matter between Perry Johnson, Treasurer of the Board and the President, Mary Michel. I am not sure what transpired

between Mr. Johnson and Ms. Michel. Ms. Michel made comments to the press concerning Mr. Johnson and Mr. Johnson, in turn, made comments to the press about Ms. Michel. Mr. Johnson was removed from his position as Treasurer during one of the board meetings. He became angry and subsequently filed suit seeking relief based on defamation of character and intentional infliction of emotional distress. An attorney was hired by the Chamber of Commerce to defend the suit. I'm really not sure if any money was paid to Mr. Johnson, but the suit was settled and dismissed with prejudice.

36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. N/A.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. No.
47. 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.
48. 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) National Council of Juvenile and Family Court Judges;
 - (b) SC Bar Association;
 - (c) Georgetown County Bar Association;
 - (d) SC Family Court Bench/Bar Committee.
49. 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) Alpha Kappa Alpha Sorority, Inc. (Treasurer 2008-11) Member of the Year for 2009;
 - (b) St. Paul AME Church, Steward (2005-Present), Finance Committee (2005-Present) Christian Education Department (2004-Present), Women's Missionary Society (1995-Present);
 - (c) Women Missionary Society of the AME Church (3rd and 1st Vice President 2005-11).
50. Provide any other information that 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 have come into contact with thousands of people over the past five years as a Family Court Judge. I have the utmost respect for all individuals who appear before me. These individuals come from many walks of life. I have been patient, dignified, open-minded and diligent in disposing of their cases. I have handled the pressure of a rigorous schedule and look forward to the opportunity to continue to serve the public as a Judge of Family Court.

51. References:
 - (a) Wm D. Starnes, SCBT
P.O. Box 2713
Georgetown, SC 29442
843-436-0193
 - (b) Michael A. Jordan

1307 Highmarket Street
Georgetown, SC 29440
843-527-4471

- (c) Fedrick Cohens
86 Kensington Blvd.
Georgetown, SC 29440
843-546-8511
- (d) Rev. Rubin Smalls
5348 Exodus Drive
Georgetown, SC 29440
866-466-7598
- (e) Queen D. Funnye
95 Bantu Lane, Georgetown, SC 29440
843-546-3734

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.

Signature: Jan B. Bromell Holmes

Date: August 2, 2012