



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

Circuit Court
(New Candidate)

Full Name: Jessica Ann Salvini

Business Address: 101 W. Park Ave. Greenville, SC 29601

Business Telephone: (864) 232-5800

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

For over sixteen years, I have dedicated myself to the practice of law. I have strived to provide my clients with excellent representation throughout all stages of the legal process, devoting myself to acquiring and maintaining the legal knowledge and skill to be able to provide my clients with the zealous representation they need and deserve. Over the years, it has been my privilege to get to know and represent people from so many different walks of life. Through their stories, I have had the opportunity to apply the privilege of being a Bar member to advocating for them within our civil and criminal judicial processes.

I have committed myself to understanding the common law - its origins, rationale, and evolution through the multi-tiered judicial branch of 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. This constant state of learning and application is driven by my passion for advocacy, but also 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.

When an opportunity arose for me to serve as a Municipal Court judge, I did not hesitate. I had been in practice for approximately 4 years when I first knew without doubt that I not only desired to serve on the bench one day, but that I believed I would be well-suited and well-qualified for what I believe to be an important and honorable opportunity for true public service. The Mauldin opportunity could not have been a more fortuitous entry into such service. Serving the City of Mauldin has been a humbling and rewarding experience in service, while still allowing me

to advance and hone my skills as a practicing litigator in state and federal courts. In August, I will have worked for the people of Mauldin for 10 years, presiding over hundreds of matters involving mostly pro se litigants. During my tenure on the bench, I believe I have adjudicated matters fairly, knowledgeably and impartially. I hope that if I should leave any legacy there, it is that the citizens, the City, and counsel who appeared before me always felt they received respectful, fair, and authoritative treatment. I now seek to continue this service full-time as a Circuit Court judge, applying what I've learned, learning from my colleagues, and contributing to the continued quality and advancement of what I believe to be an exceptional Circuit 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. It is my intention to serve as a Circuit Court judge until my retirement.

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 believe 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. However, the exchange should be conducted in a manner that maintains propriety, ensuring the integrity of the judiciary and its processes remain intact.

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

I believe the Canons governing the judiciary should be strictly followed in determining whether recusal of a judge over a matter is required. Following the standards set forth in Canon 3E, Rule 501, SCACR, “[a] judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned....” An examination of the specific facts and circumstances of each instance where a judge’s impartiality “might reasonably be questioned...” should be done.

The standard is an objective one, requiring the consideration of actual bias and the appearance of actual bias. Thus, in every situation in which such a question is raised, the surrounding facts and circumstances should be considered from the perspective of a “reasonable observer.” Microsoft Corp. v. United States, 530 U.S. 1301, 1302 (2000).

However, I also recognize that the Canons provide for limited situations in which a judge may otherwise be disqualified but still be required to preside over a matter and rule. For example, based on the “rule of necessity,” when there is no other judge available in a matter that requires immediate action. In those limited circumstances, the judge should “disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as is practicable.” Canon 3E(1), Commentary.

In instances in which a lawyer-legislator, former associate or former law partner appear before me, I will analyze each situation based on the provisions of Canon 3E, and the applicable case law, on a case by case basis. I will strictly follow Canon 3E. Based thereon, I will recuse myself in any matter in which I, or any person employed by my law firm, was involved prior to my becoming a judge to avoid any appearance of impropriety. This would include any matter in which I, along with a lawyer-legislator, had some involvement in a case.

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? Would you grant such a motion?

I will 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 will 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” requires me to preside over a matter, I will 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 will take reasonable efforts to transfer such hearing or trial to another judge. Canon 3E(1), Commentary.

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

I will consider the facts and circumstances of the financial or social involvement of my spouse or a close relative and I will strictly follow the Canons governing the judiciary. Based thereon, I will “discourage members of [my family]...from engaging in dealings that will reasonably appear to exploit...” my position. Canon 4D, Rule 501, SCACR. I will also inform my spouse and my family members “of the relevant ethical constraints upon [judges]... and discourage those family members from violating them.” Canon 4D, Rule 501, SCACR. I will 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 will 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 will 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 will disqualify myself from presiding over the matter.

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

I will strictly follow Canon 4(D)(5), Rule 501, SCACR. Based thereon, I will not accept any gifts or social hospitality that violate Canon 4(D)(5).

I will also ensure that any spouse and my family members are informed of the prohibitions set forth by Canon 4D(5). I will ensure my conduct maintains the integrity of the judicial office, as I have done in my capacity as a Municipal Court judge.

10. 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 will consider the facts and circumstances of any situation in which I become 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.

I will 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 become aware of a situation in which there is the appearance of an infirmity of another judge or lawyer, I will assess the information in conjunction with Canon 3G. I will 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 will 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.

11. 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. I am not a member of any such organization.

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

Yes. While I have not directly solicited any donations for any political, social, community, or religious organizations, my law firm has financially supported various charitable organizations such as Pendleton Place and United Housing Connections (an organization in which I serve on the Board as Vice Chairperson). For example, as a result of my service on the Board for United Housing Connections, my law firm has sponsored a table at a fundraising event and agreed to sponsor a team at a charity golf tournament. I have also attended a fundraiser for Pendleton Place.

If elected, I will strictly follow the mandates of Cannon 4C(3)(b), Rule 501, SCACR.

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

Yes. My former spouse and I are members of two limited liability companies: Island Rentals, LLC and Salvini & Bennett Properties, LLC. Island Rentals, LLC is a limited liability company that owns and manages a condominium on the island of St. Maarten. My former spouse and I are the only members of this limited liability company. The only asset this limited liability company has is the aforementioned condominium, and its sole purpose is to manage and maintain it. My former spouse and I have engaged a realtor for the purpose of selling the condominium. Upon the condominium's sale, I anticipate the company will dissolve or I will withdraw as a member. Likewise, Salvini & Bennett Properties, LLC is a limited liability company in which myself and my former spouse are the only members. This limited liability company was established as a result of the dissolution of our marriage, and its sole purpose is managing the real estate assets my former spouse and I still own together. As a result, this limited liability company would continue to manage four pieces of real estate. I would envision remaining involved with Salvini & Bennett Properties, LLC until such time as those properties were no longer jointly owned by myself and my former spouse.

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

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. "In disposing of matters promptly, efficiently and fairly, 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.

Based thereon, in keeping with our Canons, I will continue to approach the drafting of orders by ensuring adequate time has been scheduled and devoted to the task. In drafting orders while serving as a Municipal Court judge, I identify the legal issues presented and decide the matter based on the record before the court in accordance with the applicable law, and I will continue to do this as a Circuit Court judge. "A judge must not independently investigate facts in a case and must consider only the evidence presented." Canon 3B(7), Commentary. In some circumstances, I might request the parties "...submit proposed findings of fact and conclusions of law...." Canon 3B(7), Commentary. However, I will only do this after ensuring all parties are "apprised of the request and are given an opportunity to respond to the proposed findings and conclusions." Canon 3B(7), Rule 501, SCACR. It is the role of our judiciary to interpret the law and apply it accurately to every matter that comes before the court. I have committed myself to doing such in every matter that has come before me in my capacity as a Municipal Court judge and I will continue to do so as a Circuit Court judge.

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

Litigants are entitled to have a fair and prompt resolution to their cases. If elected to serve, I will ensure that I "devote adequate time to judicial duties..." Canon 3(B)(8), Commentary. I am and will continue to be "punctual in attending court and expeditious in determining matters under submission...." Canon 3(B)(8), Commentary. I will "insist that court officials, litigants and their lawyers cooperate..." with myself and my staff to that end. Canon 3(B)(8), Commentary. Communication with my staff is crucial to ensure deadlines are met. Thus, I will "require staff, court

officials and other's subject...[to my] direction and control to observe the standards of fidelity and diligence..." Canon 3(C)(2), Rule 501, SCACR.

As a practitioner for almost sixteen years and a Municipal Court judge for the last nine, I have the experience and understanding of the amount of time necessary to complete various tasks to be able to meet deadlines. Relying on that experience, I will schedule adequate time to enable me and my staff to complete the task. Depending on the task and the amount of time required to complete it, I will also schedule meetings with my staff in the interim to ensure my staff is able to meet the deadlines set.

16. 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" is simple and 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.

17. 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 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.

18. 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 full-time judge will strain my personal relationships. I have a demanding legal practice and have served as a part-time Municipal Court judge for nine years, and I have not experienced any pressure on any of my personal relationships while serving in this capacity. In that regard, I should note that most of the attorneys that have appeared before me in Mauldin have been opposing counsel to me in many cases in family and federal court. I am honored and privileged to also call many of these colleagues my friends, relationships that have developed over years of respectful practice with and against one another. I have experienced no adverse consequences in this regard, and I do not anticipate the transition into a full-time judicial position causing any additional pressures or stress on such relationships or other personal relationships.

My family has been supportive of my decision to seek a full-time judicial position. I have a wide variety of friends with different backgrounds, some of which as mentioned above are attorneys. Everyone who knows me knows my integrity and understands that if elected to serve, I will 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.

19. 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 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.

Lastly, 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.

Calculating sentences for complex white collar crimes often requires a level of scrutiny and discernment not demanded for the evaluation of simpler categories of criminal offenses. A functional familiarity with civil concepts is necessary and helpful to discern the breadth and depth of the harm caused by their commission. The effects of these monetary-based crimes can be no less devastating and life-altering for the victims than violent crimes.

- 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.

20. 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 investments as described hereinabove, those investments would not reasonably be perceived to exploit my judicial position. Canon 4D(1), Rule 501, SCACR. As a result of the dissolution of my marriage, my former spouse and I still own real property together that I may receive some additional income from. While the real property is managed by limited liability companies, the only members of those companies are myself and my former spouse. My participation in these limited liability companies until the sale of those properties will not conflict with my judicial duties or create the appearance of impropriety. Canon 4D(3), Commentary. I will ensure my participation will not violate the Canons governing our judiciary. Moreover, my participation in these companies will not require my frequent disqualification over matters, as the only member of the aforementioned limited liability companies is my former spouse. Pursuant to Canon 3E, Rule 501, SCACR, I will not preside over any matter in which my former spouse was a party or acting in his capacity as an attorney representing a litigant regardless of our joint investments.

21. 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.

22. Do you belong to any organizations that discriminate based on race, religion, or gender?

No. I do not belong to any organizations that discriminate based on race, religion, or gender.

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

Yes. I have met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period.

24. What do you feel is the appropriate demeanor for a judge and when so 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 Municipal Court judge.

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 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 Ann Salvini

Sworn to before me this 31 day of July, 2017.

s/J. Bradley Bennett
(Signature)

s/J. Bradley Bennett
(Print Name)

Notary Public for South Carolina
My Commission Expires: 10/12/2022