

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



Circuit Court
(New Candidate)

Full Name: Michael Shea Holt

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

Business Telephone: (843) 398-4334

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

Whereas I am honored to serve in my capacity as a Family Court judge, it has always been a dream to serve on the Circuit Court. Some of the judges I have admired most were Circuit judges I once appeared in front of. Their example continues to inspire me today and it would be an honor to serve in that same manner.

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

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 attempt to avoid any *ex parte* communications. My policy is to ask attorneys to communicate with my administrative assistant so that I am not personally pulled in to any conversations of an *ex parte* nature.

In emergency situations I do consider *ex parte* requests, but limit my considerations to the pleadings and do not engage in any conversation with counsel beyond that.

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?

I would grant such a motion.

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 if it involves a matter before the Court. Should it not be something that is in litigation but violates any judicial cannon, then I would report the offending conduct or act.

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

If it gives the appearance of a conflict, then I do my best to avoid or abstain from accepting such gifts or social hospitality.

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?

I would address the problem with the individual; however, I would also report the matter to the necessary authorities.

10. 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

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

No

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

No

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

Dependent upon the circumstances, I would likely request counsel to prepare the order for the Court and have it circulate to all parties prior to being sent to the Court. As with Family Court, there are examples when the Court issues its own orders and when that occasion arises, the Court would issue its own order.

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

I would ensure that deadlines are reflected on my Administrative Assistant's and Law Clerk's calendars in order to limit the likelihood of running into any deadline issues.

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

I am opposed to judicial activism. I believe the Legislature should determine public policy.

16. 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 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.

17. 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 believe it can strain relationships. All I can do is to recognize that my position requires me to be conscious of appearances and to respect that responsibility at all times. There have been moments when I have found it necessary to distance myself from others in order to avoid any improper appearances.

18. 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: My experience tells me that "Repeat Offenders" often times includes individuals with addiction problems. I think the Court has to take addiction into consideration when sentencing. But for the addiction, the Defendant likely would not be there. Thus, the Court should consider methods or tools which would limit lengthy incarceration for individuals who have an addiction.
- b. Juveniles (that have been waived to the Circuit Court): As a Family Court Judge who has been in a position where I was asked to waive up a juvenile who had committed a heinous act, I can appreciate the sensitivity of these cases. It's my thought the Circuit Court Judge should see the juvenile as a child with a brain which is not fully developed. This would obviously influence my decision on sentencing.
- c. White collar criminals: "White collar" crime often involves a betrayal of trust. 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: As a Family Court Judge, I consider whether a child before me is "disadvantaged" and take my findings into consideration. Often these children have little chance at a quality life based on circumstances beyond their control. I believe I would do the same here and would consider a global picture of the Defendant when sentencing.
- e. Elderly defendants or those with some infirmity: My experience dealing with those who are elderly or who are infirmed is that it is best to avoid incarceration if at all possible.

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

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

Yes

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I think a judge should be polite, respectful, compassionate and kind. Judges should be, above all, patient. This demeanor should be practiced 24 hours a day.

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 pro se litigants?

No. As judges, we must remain patient and above the fray as best we can. I've often said the Courtroom is a place of dignity, and we should remain dignified at all times.

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 _____, 2020.

(Signature)

(Print Name)
Notary Public for South Carolina
My Commission Expires: _____