



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

**Family Court
(Incumbent)**

Full Name: Jessica Ann Salvini

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1. Why do you want to serve another term as a Family Court judge?

It has been my honor to serve as a member of our judiciary since my election to the Family Court bench in 2019. The matters that are litigated in Family Court pertain to some of the most heart-wrenching issues members of our community experience in their lives. Serving on the Family Court bench and making life changing decisions has been a humbling and rewarding experience. During the past year and a half, I have made every effort to provide attorneys and litigants with reassurance they will receive respectful and fair treatment throughout the judicial process when they enter a court of law. I have dedicated my time on the bench to making a positive impact on the lives of the members of our community and their children. It is my desire to continue to serve the public as a Family Court Judge. I am dedicated to continuing to adjudicate matters fairly, knowledgeably, and impartially in a way that helps families heal and ensures children's best interests are served.

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? Are there circumstances under which you could envision *ex parte* communications being tolerated?

In my opinion, 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 and I follow this rule strictly, with any such exchanges being conducted in a manner that maintains propriety, ensuring the integrity of the judiciary and its processes remain intact.

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

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

In such a circumstance, I would consider the facts and circumstances of the financial or social involvement of any future spouse or a close relative and I would 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 any future spouse, and I have informed my family members, “of the relevant ethical constraints upon [judges]... and [I] discourage those family members from violating them.” Canon 4D, Rule 501, SCACR. I will continue to 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 would also 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 would 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 would disqualify myself from presiding over the matter.

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

I strictly follow Canon 4(D)(5), Rule 501, SCACR. Based thereon, I do not accept any gifts or social hospitality that violates Canon 4(D)(5). I ensure my conduct maintains the integrity of the judicial office.

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 have and would consider the facts and circumstances of any situation in which I became 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.

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

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

Yes. I have not directly solicited any donations for any political, social, community, or religious organizations. However, I have supported the charitable organization for which I serve as the Board Chair by making an anonymous donation. I strictly follow the mandates of Canon 4C(3)(b), Rule 501, SCACR.

11. Do you have any business activities that you have remained involved with since your election to the bench?

Yes. My former spouse and I were members of a limited liability company: Island Rentals, 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 were the only members of this limited liability company. The only asset this limited liability company had during our ownership was the aforementioned condominium, and its sole purpose was to manage and maintain it. The limited liability company sold in 2020 and I am no longer a member.

I also was the sole member of a limited liability company: 107 W. Park Avenue, LLC. 107 W. Park Avenue, LLC was a limited liability company that owned and managed a rental property. The only asset the limited liability company had during my ownership was a single rental property and its sole purpose was to manage and maintain it. I sold the rental property in 2021 and closed the limited liability company thereafter.

Finally, I am currently the sole member of a limited liability company: 101 W. Park Avenue, LLC. 101 W. Park Avenue, LLC is a limited liability company that owns and manages property. The only asset the limited liability company has is the property located at 101 W. Park Ave. Greenville, SC 29601 and its sole purpose is to manage and maintain it.

12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I recognize that 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.

In keeping with our Canons and the practice used in most Family Courts, I approach the drafting of orders by: 1) requiring counsel to prepare proposed orders (timely exchanging drafts for comments and or edits) for certain hearings, such as temporary hearings; 2) using form orders when appropriate; and 3) I may choose to prepare orders, ensuring adequate time has been scheduled and devoted to the task.

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

Daily communication with my administrative assistant is crucial to ensure deadlines are met. Thus, I meet with my administrative assistant daily so

that we ensure deadlines are met. Further, we use an electronic calendar to ensure deadlines are maintained.

14. 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?

It is imperative that a guardian ad litem be given the tools to conduct his or her investigation, while at the same time being required to adhere to the statutes governing his or her service in this capacity. In my opinion, the most effective way for this to occur is by the court issuing a specific order setting forth the guardian ad litem's appointment, to include his or her duties and obligations, and I regularly issue those orders.

15. 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" has not changed and is 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.

16. 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 plan to continue to lecture and present at continuing legal education seminars or law schools. Throughout my legal 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.

17. 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 serving as a judge strains my personal relationships. I have not experienced any pressure on any of my personal relationships while serving as a judge. I have not experienced any adverse consequences serving as a judge.

My family, friends and significant other have been supportive of my serving as a Family Court judge. I have a wide variety of friends with different backgrounds, some of which are attorneys. Everyone who knows me knows my integrity and understands that I 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.

18. 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. The only additional income I receive is derived from the rental of investment properties or as a result of stock

holdings. The real property I have an interest in, or had an interest in, was or is owned by a limited liability company(ies) and the only members of those companies are myself and were 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 membership 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 other member of the aforementioned limited liability company (which closed in 2020) was 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.

19. 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.

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 past reporting period?

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

22. What do you feel is the appropriate demeanor for a judge and when do 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 judge.

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?

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 15th day of July, 2021.

s/Emily Skidmore

(Signature)

Emily Skidmore

(Print name)

Notary Public for South Carolina

My commission expires: 11/1/2027