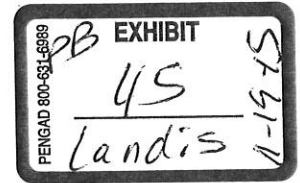


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(Incumbent)



Full Name: Jack Alan Landis
Business Address: PO Box 1707
300-B California Ave.
Moncks Corner, SC 29461
Business Telephone: 843-719-4477

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

I believe that it would continue to allow me to use my talents and abilities to the fullest extent in service to my State and community. I feel I have the appropriate temperament and demeanor to serve and feel I am an asset to the judicial system. Additionally, I love my job. To me it is the pinnacle of my legal career. Based on my education, training, and talents, I feel I am well-suited for this job. I believe that I am regarded as fair and patient, knowledgeable on the law, and as having common sense. I believe I have done my job well and will continue to do so if re-elected.

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?

I am guided by the Code of Judicial Conduct regarding *ex parte* communications. I do not initiate, permit, or consider *ex parte* communications except where circumstances require and the rules permit for scheduling, administrative purposes, or emergencies that do not deal with substantive matters unless expressly authorized by law.

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 I should disqualify myself in any proceeding in which my impartiality might reasonably be questioned. If a former associate or law partner appears before me, I should recuse myself if that lawyer or the firm served as counsel for a litigant during the period of my association with that lawyer or firm. I do not feel it would be necessary to recuse myself in a situation where a lawyer-legislator appears unless I also enjoy a personal relationship with that legislator. Even though judges are elected by the legislature, that does not in and of itself call into question judge's

impartiality. If that were the case, lawyer-legislators would effectively be eliminated from being able to practice as trial lawyers.

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 would seriously consider the request. Judges should always avoid the appearance of impropriety or bias. The reasonableness of the request in light of the circumstances would need to be considered and if unreasonable should be denied. I would tend to lean in favor of recusal, however.

But as judges we also need to be aware that attempts at “judge shopping” can occur. We should use our discretion and common sense when determining whether a situation warrants recusal.

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

If I am aware that my wife or another close relative has a financial or social interest in the matter or with the parties involved or any other involvement more than a *de minimis* interest in the matter, I would recuse myself.

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

I do not accept gifts or social hospitality except as permitted by the Code of Judicial Conduct. Those exceptions would include resource materials on a complimentary basis for official use, gifts from friends or relatives for special occasions as long as commensurate with the occasion and relationship, and ordinary social hospitality so long as none of these could be perceived as intended to influence me in the performance of my duties.

10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would take the appropriate action which could include direct communication with the offending party or other direct action if available. If the misconduct raises a substantial question as to a judge’s fitness for office or as to the honesty, trustworthiness, or fitness of a lawyer, I would inform the appropriate disciplinary 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, I am not.

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

No, I do not.

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

It is correct that we as a Family Court Judges do not have clerks, however, due to the excess of attorneys seeking employment, I have had the pleasure hiring attorneys as my Administrative Assistants. This has enabled me to make use of my AA as though he or she is a law clerk. I began this practice three years ago when my long-time Administrative Assistant retired. It has worked very well. Under my

supervision, these “clerks” prepare a number of Orders for me. This is particularly beneficial with self-represented litigants.

The vast majority of the time, the prevailing attorney in family court prepares the Orders in compliance with my rulings. My “clerk” takes notes of hearings and my rulings so that when I receive Orders, not only do I review for accuracy, my AA compares the Order with her notes. Therefore, two sets of eyes review all of my Orders.

Also I maintain a number of computerized Order templates that allow me to draft a large number of Orders myself, especially when I have out-of-circuit assignments and do not have the assistance of my AA. I plan to continue that practice.

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

I maintain a docket of hearings that includes the disposition, what remains to be done, and the due date for same. I maintain a calendar on my computer on which I schedule important events and deadlines. My Administrative Assistant also maintains a docket and calendar and records when items such as Orders and briefs are due, when they are received, and when executed. If Orders or other items are needed from attorneys to complete a matter, my assistant follows up by telephone and when necessary by letter.

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?

When I appoint a GAL, I issue a detailed Order that specifically sets forth the duties and responsibilities of the guardian. This Order cites the applicable statutes governing guardians, and establishes the hourly rate, the initial retainer, the initial fee parameters, and the manner and frequency of billing. I make sure the guardian files his or her affidavit of compliance with the statutes and that the GAL files his or her report as required by statute.

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

I believe that it is the responsibility of the Legislature to pass, set, or establish the law, statutes, and public policy by which my decisions are guided. I do not feel that the Family Court should engage in the “nullification” of laws or statutes, but that as a Family Court Judge it is my responsibility to apply the law as established.

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 plan to continue being active in the SC Bar and American Bar Association sponsored High School and Middle School Mock Trial programs. I believe my activities, including having coached HS Mock Trial for 16 years has exposed a number of young people to our judicial and legal system.

I plan to continue as an active member of the SC Bar Law Related Education Committee as well as the sub-committees thereto of which I am an active member.

I have been asked on occasion to speak to High School students on the legal system and the role of attorneys and judges in that system.

I have always been willing to serve on ad hoc committees when asked by our Chief Justice and will continue to do so.

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?
As with any career or position, the demands of the job can take away time from our families. My children are now grown, but when they were younger I not only attended their activities, I participated. For years I coached T-ball, baseball, and soccer in which both of my children participated. I coached both of my children when they participated in High School Mock Trial, helping my son to become a two-time State Champion and my daughter to be a three-time State Champion. I believe we need to make time for our families, particularly as Family Court judges. If we lose sight of what is truly important, our families, how can we hold ourselves in a position to judge others.
Although my wife and I have separated after a 28 year marriage, it was not the demands of my job that caused that. We co-parented our children and made a safe and happy home for them. My wife and I still love each other, but other problems strained our relationship. We realized that after the children were grown and out of the home, they were really the only interest we had in common. It was a very sad day when we decided to separate, but we are still friends and we participate in family gatherings and holidays together.
The strain of being a judge did not play a role in our break up.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No, I am not.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
According to our Judicial Canons, we are not required to recuse ourselves when members of our family hold a *de minimus* financial interest. However, I believe it is wiser to recuse if it does not delay parties from having a resolution and justice. If I, myself, held even a *de minimus* interest, I would feel recusal to be appropriate to avoid any appearance of impropriety.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?
No, I do not.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes, I have.
23. What do you feel is the appropriate demeanor for a judge?
I feel a judge should be patient, compassionate, and fair minded. He or she should act maturely and in a dignified manner at all times. A judge should try to not allow frustration or anger interfere with maintaining the proper demeanor.
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 day a week, twenty-four hours a day?
I think a judge needs to maintain a proper demeanor at all times and behave in a mature and dignified manner especially in public so that we foster confidence in and respect for our judicial system.

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?
As family court judges we see tragic situations that would make any compassionate human angry, however, it is inappropriate for us to express anger with a member of the public or to allow anger to color our decisions.
We should not be angry in dealing with attorneys or especially with pro se litigants.
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?
I have spent no money on my campaign.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No, I have not.
28. Have you sought or received the pledge of any legislator prior to this date?
No, I have not.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No, I have not.
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, I have not. I am unaware of any friends or colleagues contacting Members of the General Assembly on my behalf.
31. Have you contacted any members of the Judicial Merit Selection Commission?
No, I have not.
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 am.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

S/ Jack A. Landis

Sworn to before me this 6th day of August, 2015.

Linda J. Droze

Notary Public for South Carolina

My commission expires: 07/13/2020