



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

**Supreme Court/Court of Appeals
(New Candidate)**

Full Name: Michael Shea Holt

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1. Do you plan to serve your full term if elected? Yes

2. If elected, do you have any plans to return to private practice one day?
No

3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes

4. 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 *ex parte* communications. My policy is to ask attorneys to communicate with my administrative assistant so that I am not personally pulled into 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.

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

If there is any perceived conflict, I recuse myself from the case.

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 the motion.

7. What standards have 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.

8. 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.

9. Are you affiliated with any political parties, boards or commissions? If so, in what capacity are you serving?

No

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

Before being elected to the Family Court Bench, I served as a host for various political campaigns.

11. How would you prepare for cases that were before you?

I would thoroughly read and review the files and pleadings.

12. 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.

13. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would consider speaking or lecturing at Bar events, as well as submitting articles for legal publications.

14. 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 plan to 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.

15. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:
- b) The use and value of an agency's interpretation of the Constitution:
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

On matters related to the State Constitution, when answering a Constitutional issue, one must read and analyze those specific sections in controversy. Accordingly, relevant case law which specifically speaks to the subject matter should be thoroughly examined in concert. Of the three considerations above, using documents contemporaneous to the actual historical event would likely render the most accurate reading and understanding of the Constitution.

16. 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.

None

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

Yes

18. 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. A judge should be, above all, patient. This demeanor should be practiced 24 hours a day.

19. Would there be a role for sternness or anger in meetings with attorneys?

Perhaps there would be a need for sternness. Anger is not appropriate. Oftentimes when we become angry, we lose control of our emotions.

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 _____, 2018.

(Signature)

(Print name)

Notary Public for South Carolina

My Commission Expires: _____