



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

**Family Court**  
**(New Candidate)**

Full Name: Jessica Ann Salvini

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

For over seventeen 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. I have devoted 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 my 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 11 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 Family Court judge. For approximately seventeen years, I have had the privilege of representing individuals in all manners of domestic litigation. Applying what I've learned throughout those years litigating domestic actions, in conjunction with my experience as a Municipal Court Judge, it is my desire to continue my service to the public.

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 on the Bench until my retirement.

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 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 appears 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 any future 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, if any, 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 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 and United Housing Connections.

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. Since family court judges do not have law clerks, 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 and the practice used in most Family Courts, I will continue to 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 or 3) I will prepare the order after 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 Family Court judge when taking on the task of drafting the order.

15. If elected, what method 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 seventeen years and a Municipal Court judge for the past ten going on eleven years, 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. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

Practicing in domestic litigation for the past seventeen years has taught me that 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 for the Guardian Ad Litem’s appointment.

When the Court finds pursuant to the applicable statutes that it will likely not be fully informed about the facts of a case without the appointment of a Guardian Ad Litem, a separate order appointing a Guardian Ad Litem setting for the specific requirements of the litigants in cooperating with the Guardian Ad Litem, as well as detailing the Guardian Ad Litem’s duties and responsibilities ensures the applicable statutes are strictly adhered to. If elected to the Family Court Bench this is the procedure that I would follow.

17. 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.

18. 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 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.

19. 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 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 ten going on eleven 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.

20. Would you give any special considerations to a *pro se* litigant in family court?

While serving on the Municipal Court Bench, I have presided over hundreds of matters in which the litigants were pro se. I have learned through my experience on the Municipal Court Bench that it is imperative to the integrity of the judicial proceedings that pro se litigants be held to the same standards as counsel, that is, that the rules of court and the rules of evidence are adhered to during the court proceedings. It is also important for a pro se litigant to be granted the opportunity to be fully heard on an issue before the court, regardless of whether the pro se litigant appears in family court or any other court in our State.

Thus, as I have done in Municipal Court, I will ensure the pro se litigant understands the court process and the rules applicable to the specific proceeding prior to its commencement. Some latitude may be required during the court proceedings to ensure the pro se litigant is given an opportunity to be heard. However, as I have always done, I will ensure the proceedings comport with the applicable laws of this State, the court rules and the rules of evidence so, all parties are treated fairly and justly.

21. 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 and I have recently contracted to purchase another investment property. The real property I own with my former spouse is managed by two limited liability companies and 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.

22. 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:

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(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.

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 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 Municipal Court judge.

25. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, 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.

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)  
Notary Public for South Carolina  
My commission expires: \_\_\_\_\_