



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

**Circuit Court**  
**(New Candidate)**

Full Name: Joshua David Holford

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

I want to serve as a Circuit Court judge because I respect and admire those great judges who have come before me. I have always held in high regard the judiciary and those that serve. I believe that like statesmen and like other elected officials, judges have the ability to make a difference in a positive way. A judge has the ability to shine a positive light during difficult times for defendants, victims and their families, aggrieved parties, stressed out lawyers, and jurors who are missing work. I believe I can be positive, work hard, control my reactions, be fair and impartial, rule in accordance with the law, and show respect to all those that come in a courtroom. I have seen first-hand the difference a great judge can make for all those that come before him or her. I have also seen how difficult it can be when a judge is disrespectful, rude, or lacks judicial temperament. I want Horry County to be a model for how judges' should conduct themselves.

We are fortunate with our current judges in Horry County, and I know they are over-worked. We have so many warrants and pending civil actions because we service many more people than just our residents with all the visitors that come to town. I want to help lighten the load. I want to work with Judge Hyman and Judge Culbertson to clear the backlog. I want other judges around South Carolina to see how we efficiently and effectively handle matters.

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 would not initiate, permit, or participate in *ex parte* communications, except as permitted under the following circumstances outlined in Canon 3(B)(7), as paraphrased below:

- (a) For scheduling, administrative purposes, or emergencies that do not deal with substantive matters on the merits, and
  - (i) No party will gain an advantage; and
  - (ii) All other parties are notified and have the opportunity to respond.
- (b) To obtain advice from a disinterested expert if the parties are notified and have an opportunity to respond.
- (c) To consult with court personnel.
- (d) With consent of the parties, to mediate or settle matters;
- or
- (e) When explicitly authorized by law.

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 abide by Canon 3(E)(1) and recuse myself if my impartiality might reasonably be questioned. I would grant such a motion if it were reasonable based on the circumstances and the parties did not waive the disqualification or the rule of law did not override the rule of disqualification.

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 disclose the information to the parties on the record and ask if they waive disqualification. If the financial or social involvement fell

specifically under circumstances outlined in Canon 3(E)(1)(c) or (d), then I would disqualify myself from the proceeding as required. The appearance of impropriety might necessitate disqualification, even if there was not a reasonable question as to my impartiality. However, if the parties consent to waive disqualification and the appearance does not render me impartial, then I would not abdicate my duty to act as judge.

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

I would not accept, and would urge members of my household, to not accept a gift, bequest, favor, or loan except in the permitted instances outlined in Canon 4(D)(5)(a) – (i). I would abide by the Judicial Canons and regard ordinary social hospitality as permissible as long as it could not reasonably raise questions about my impartiality or integrity of the judicial office that I hold. I would avoid the appearance of impropriety and ensure that my judicial office remains respected, trusted, fair, and impartial.

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 first determine if I had a reasonable belief that misconduct occurred or infirmity existed. If infirmity existed, then I would take reasonable action to help the judge or lawyer address the problem and prevent harm to the justice system as required by Canon 3(G). The reasonable action I would take includes speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a confidential referral to an assistance program.

If misconduct occurred and if the gravity of the conduct required reporting the action, as required in Canon 3(D)(1) or (2), then I would report the misconduct to the appropriate authority, such as the Office of Disciplinary Counsel.

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.

(a) While I was in Leadership Grand Strand, I assisted in fund-raising for classes and community events.

(b) My son goes to a daycare affiliated with a local church. My wife and I have participated in small fund-raising efforts for my son's class.

(c) I have attended political fund-raising events, specifically when my boss, Jimmy Richardson, was running for Solicitor of the Fifteenth Judicial Circuit; but I have not individually requested donations.

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

I am not involved in any business activities other than my job, which I would leave if elected to the bench.

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

If they were simple orders, form orders, or orders by consent of the parties; I would accept drafted orders from counsel that both sides had the opportunity to review. I would ask the opposing counsel for a response or if they had objections based on my ruling. I would make whatever changes are necessary to ensure my ruling was effectuated without additions.

If they were complex orders, I would draft them with the assistance of my law clerk based on research of the current and prevailing statutes and caselaw.

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

I would use a calendar on my computer that also updated to my phone. I would allow my administrative assistant and law clerk to add to my calendar as necessary. I would also allow for notifications to be sent to all three of us. I would keep a yearly planner in my office to

assist with long-term and more general activities like terms of court, judicial conferences, and holidays.

I would ensure that matters with a deadline be handled with priority and always submitted on time. I would make it known to my administrative assistant and law clerk our priorities and the necessity of meeting deadlines. The ultimate responsibility to meet deadlines rests with me. If it meant I had to stay late in the office, work from home, or work on the weekend; I would do so.

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

I would not legislate from the bench. I believe in three distinct bodies of government: the legislative, executive, and the judicial branches. Each has its own place. It would not be my role to make laws, but rather to adjudicate disputes about the law or legal issues and rule based on what the law is by plain language and what it has been interpreted to mean by higher courts. I would not make rulings based on what I or the parties think the law should be. I believe the creation of laws rests solely with the legislature. I would interpret and apply the law as it is.

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 serve on the Law Related Education Committee. I would continue to participate as a judge in Mock Trial competitions. I believe teaching children and young adults about the legal system is the best way to improve it. Assisting them with not only the understanding of the basics, but also showing them how to be fair, respectful, and conscientious advocates for justice would go a long way. I have witnessed first-hand from other judges (e.g Lockemy, Vinson, Goodstein, Rucker, Landis, and Westbrook) the benefits to having judges participate in middle school and high school mock trial competitions.

I would be open, available, and excited to speak or lecture at schools, legal events, CLEs, or conferences as permitted by Cannon 4(B).

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 not believe the pressure of serving would strain my personal relationships. However, I do acknowledge that the responsibility of serving is great. My spouse, child, friends, and relatives have already become accustomed to the effects of me being a public servant and dealing with mentally taxing and difficult issues on a daily basis. I realize the pressures would be different, but I would address them in a similar manner in which I address those pressures I deal with now.

If I felt the pressure of serving was causing a strain, I would be open and communicate with those affected. I would continue to express the importance of being a public servant. I would, as I do now, try my best to leave work matters at work; be attentive when I am at home; be reliable for my family, just as I am for my work; and not take the pressures from work out on my family or friends.

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:

Repeat offenders are often in and out of court because of untreated underlying issues, most often drugs or mental health. I would take recommendations or negotiates reached between the State and defense counsel. If there was an issue that could be treated within those negotiations (e.g. recommending ATU in prison, or drug counseling on probation, or screening for drug court or mental health court) then I would ask if that is appropriate for the defendant and order such if it was. Treating the underlying issue has shown great success in breaking the cycle for repeat offenders.

The other type of repeat offender is one that is violent; maybe he or she is out on bond for a violent offense and commits another violent offense, or maybe he or she has been convicted of a most serious and has now been convicted of another, or maybe he or she is showing escalation in the crimes committed. For those repeat offenders, I believe sentencing should strong enough to protect the public and ensure that person will not continue to hurt others.

b. Juveniles (that have been waived to the Circuit Court):

A major factor in sentencing other than facts and circumstances of the crime is prior record. A juvenile who is waived up likely would not have an extensive record. My philosophy on sentencing a juvenile would be to find what can be done in order to stem the tide of the criminal behavior now. A juvenile has a long life to live, whatever can be done to try to not have him or her as a repeat offender should be attempted. That concern for the juvenile's potential must also be weighed with the facts and circumstances, as juveniles are typically waived up for serious crimes.

c. White collar criminals:

My philosophy on sentencing white collar criminals would be to first consider whether the victim could be made whole. If money or property was stolen or fraudulently obtained, usually the victim just wants to be repaid in full. It would depend upon the amount of

money, the number of victims, and whether the defendant had committed similar crimes before.

- d. Defendants with a socially and/or economically disadvantaged background:

This is a tough one because although there are a number of privileged defendants, I would say a majority come from socially and/or economically disadvantaged backgrounds. Many of them may not have committed crimes if it was not for their lack of education, money, or positive support in their lives. However, I would have to weigh the crime with the background. I would attempt to determine if the background truly led to one bad decision or if the defendant has used that excuse to justify criminal behavior. Again, the goal would be to find a sentence that would change the behavior and not perpetuate the cycle of repeat offenses.

- e. Elderly defendants or those with some infirmity:

Elderly defendants or ones with infirmities can be a burden on the prison and prison staff because of medical issues. There are also times where medical care is better suited being paid for by the defendant than by the State. The cost, time, and effort required to house these defendants should be weighed against the seriousness of the crime. However, if their record makes it clear that the infirmity has been used over and over as an excuse and they continue with criminal behavior, then I would take that into account as well.

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?

*De minimis* denotes an insignificant interest that could not raise reasonable question as to the judge's impartiality. If my impartiality could not be reasonably questioned then it would not require disqualification under Canon 3(E). However, I would, out of an abundance of caution, disclose such financial interest on the record



and give the parties a chance to object to my involvement or waive disqualification. The appearance of impropriety might necessitate disqualification, even if there was not a reasonable question as to my impartiality.

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?

A judge should be courteous, respectful, patient, dignified, and professional at all times. These rules apply inside the courtroom, in chambers, and out of the office.

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?

I do not believe it is ever appropriate to express anger, either directly or indirectly, with members of the public, criminal defendants, attorneys, or pro se litigants. I am sure there, just as there are times in my current job, that I could become agitated, frustrated, or angry. However, I would not let the emotion dictate my actions, reactions, or responses. I would strive to uphold the sanctity of the judicial office by refraining from acting out of any negative emotion. I would strive to act with reasonableness, patience, fairness, and understanding.

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 \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_