



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

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

Full Name: Joseph Pawel Bias  
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1. Why do you want to serve as a Circuit Court judge?

Ever since I clerked for Judge Alison Lee, I knew that I wanted to one day serve as a Circuit Court judge. I love the idea of helping the community that I grew up in, assisting the public and my colleagues in navigating disputed issues, and serving as a mentor to students and young attorneys to promote the profession. I would be thrilled to follow in the footsteps of some amazing attorneys who have held this position and I would welcome the challenge of expanding my legal knowledge and experience.

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

Absolutely.

3. Do you have any plans to return to private practice one day?

No. After I'm finished my career as a judge, the only thing I would want to do afterwards is teach.

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?

Having served as a law clerk, I know that *ex parte* communications are antithetical to the ideals of fairness and justice that jurists in South Carolina are required to champion. Although I know that sometimes

those communications happen by accident (an email sent to the Court by one party without copying the other), I would train my clerks/staff to involve all parties, including *pro se* parties, on all communications. I would also obviously apply that to my personal life as well, and avoid all conversations about matters outside of court without the presence of both parties.

The only circumstances where I can envision *ex parte* communications being tolerated would be in cases of emergency. I seem to remember one such communication where we were contacted by a party's attorney that another attorney had been in an accident and would not be able to go forward with the hearing. Even then, I remember contacting both attorneys via email to confirm the hearing had been postponed.

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 believe that we all obviously have biases, but most of us are unaware of at least some of them. I would be open to listening to a party who believed that something I disclosed had the appearance of bias and I'd like to think I'm reasonable enough to consider any argument by a colleague without being personally offended. Should the argument be based in law and reason, I would have no qualms considering that I could be wrong about my impartiality. As such, I could grant such a motion.

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

In those situations, I believe it's best to recuse myself. Any ruling in favor of my spouse or relative would be seen as illegitimate.

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

Again, I would never want to give the appearance of impropriety, so I would avoid accepting gifts or social hospitality.

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 believe we all are stewards of the profession, and recent events have

made it incredibly clear that we must do our best to raise the level of professionalism and public trust in the profession. As such, I would feel it'd be my obligation to report any misconduct to the Bar or appropriate institution.

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.

At one point, I was a member of the KEMOPalooza committee, which aimed to raise funds for Camp Kemo. Camp Kemo is a camp that accommodates and cares for the families of children with cancer.

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

Not necessarily business, but I'd like to continue to teach at the law school.

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

I believe orders should come from the Court, but I would be fine asking the parties for proposed orders should the situation warrant. I would, however, believe it would be my responsibility to make sure all the law in those orders were current and to ensure that the end result was an original document coming from the Court.

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

First, I would impart on my staff the importance of keeping an updated calendar. I think judges can fall behind by trying to do too much and accommodating too many people. By calendaring not only court appearances, but deadlines for decisions, I would try to stay in front of a busy schedule. Next, I would try to use time wisely. Time in between hearings can be used to make notes or draft orders. Once Court is done for the day, I would try to use the time to wrap up what we just heard or prepare for the next day. Lastly, I would use all the technology available to stay on

schedule. I'm a big "to-do list" guy, and I would use technology to share those lists with my staff to try to accomplish our shared goals.

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

I have no desire to run for a political office. A judge's responsibility is to do the (limited) job of interpreting existing laws in each case. Our entire judicial system is based on the impartiality of the judiciary, and every day my responsibility would be to check personal beliefs at the door to do the job for which I was selected. As such, I don't believe in judicial activism, only the ethical interpretation of the Constitution and laws of South Carolina.

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?

As mentioned above, I would love to continue to teach law students in my Civil Litigation Capstone Course. Additionally, the most rewarding activity I participate in is volunteering as an attorney coach for the Richland Northeast Mock Trial team, my alma mater. I would very much enjoy continuing to do so.

Generally, I believe a judge has an obligation to assist the next wave of attorneys and to grow the profession. My door would always be open to job shadowing, clerks, and young attorneys.

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 won't be naïve enough to think that the stresses of deciding on people's lives or finances wouldn't have an impact on my personal life. I would work to compartmentalize the stresses of the position at work. As the husband of a physician, we already have a policy of not discussing clients and patients at home, and with the addition of our infant child, we're usually focused on keeping Isabella fed, clean, and happy. I think treating this job as a job and mentally "clocking out" (as much as one can) would be a good strategy.

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:

I could see me having the least amount of patience for this group. I would be open, obviously, to listening to the context of the repeat offense and to try and distinguish each offense in sentencing. But I would likely have less empathy for repeat offenders and could see myself sentencing harsher on a subsequent offense.

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

Conversely, I could see me having a softer heart for juveniles, given my background with high school kids. I would certainly be open to YOA sentencing, deferred sentencing, or sentencing that can be expunged. I have been a part of too many stories where someone starts on a bad path and turns it around later in life, and I would be open to leniency to someone whose brain hasn't fully developed yet.

c. White collar criminals:

I don't really distinguish "white collar" criminals with any other type of criminals. If someone is guilty of a crime, there's a recommended sentence that I would adhere to. I could see myself, however, having a stricter philosophy of sentencing when it comes to individuals who are trusted with public funds or public figures.

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

See above. As someone who grew up without much, I'm certainly sensitive to the struggles of growing up without much money. I don't believe, however, that that's an excuse to take up crime. I would always respect and admire judicial decisions that included the requirement of graduation or obtaining a GED. I believe those sentences can help in the right circumstance. Other than that, I would aim to treat criminals the same, regardless of background.

e. Elderly defendants or those with some infirmity:

Every case should be decided in a vacuum. As a public defender, I once had a client with cancer who was not long for this world, but was guilty of a minor crime. I advocated for house arrest instead of jail, because in those situations it really doesn't help anyone to have someone sit

in jail for a brief period of time at the end of their life.

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?

Any interest that my family would have would likely be *de minimis*, but to avoid the appearance of impropriety, I would recuse myself.

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?

I believe a judge should have a steady demeanor, being patient always and humorous when appropriate. Most members of the public don't go to court to hang out or for entertainment, so chances are if someone's in front of me it's a stressful day for them. My job, as I see it, would be to assist members of the public through a strange proceeding for them and serve as an even and impartial representative of the legal system. For attorneys, I would take the same tactic, while keeping in mind their professional obligations to do right by their clients (which ultimately can result in raised tensions and voices). I would attempt to always have that demeanor, in and outside of the courtroom. The public would lose faith in the profession if a judge was calm in the Richland County Courtroom but was screaming at other drivers on I-26.

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 think it's fine to be angry with a member of the public, an attorney, or pro se litigant. I think it's incredibly unprofessional to be angry in public with any of these parties. As a judge, I would attempt to be the chilling factor in my courtroom but I recognize (and have seen) times when the temperature goes up and judges have (or should have) either taken a break or called court for the day. I believe the best judicial demeanor is one where the judge has a

poker face and is a steely, resolved representative of the Court. I believe that likely comes with experience, but I think my demeanor and temperament now puts me on a good path to get there.

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

Joseph Bras

Sworn to before me this 10 day of July, 2023.

[Signature]  
(Signature)

Christopher Jay  
(Print Name)

Notary Public for South Carolina

My Commission Expires: 10/6/32

