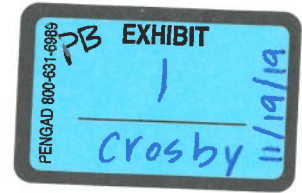


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:
Circuit Court At Large, Seat 13

1. Name: Mr. Joe M. Crosby
Mrs.
Ms.

Name that you are known by if different from above
(Example: A Nickname):

Are you currently serving in some capacity as a judge? Master in Equity
(Includes Municipal, Magistrate, Etc.)

Home Address: [REDACTED]

Business Address: 405 Dozier Street Georgetown, SC

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-546-3103
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1969
Place of Birth: Charleston
Social Security Number: [REDACTED]
3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number: [REDACTED]
5. Have you served in the military? No. If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.
6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your

children and their ages. If your children are old enough to work, include the occupation of each child.

Married to Elise Crosby August 12, 1995

3 children;



7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

The Citadel 1987-1991 BA

South Carolina School of Law, 1991-1994, JD.

8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

South Carolina- admitted 1994 took exam one time.

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

After graduation I worked as a law clerk for the Honorable David H. Maring, Sr., Circuit Court Judge, 15th Judicial Circuit from 1994-1995. I was married in August of 1995 and moved to Charleston to join my wife who was employed in the 9th Circuit Solicitor's Office. I worked for the Anastopoulo Law Firm in Charleston for seven months in a personal injury practice after which I moved to Smith, Cox and Associates and worked there until November 1996 in a business-focused practice. In November 1996 my wife and I returned to Georgetown, South Carolina. I began work as an Associate for William Stuart Duncan in a plaintiff's practice in which I was referred all Family Court cases. I continued in this capacity until 2000 when we moved the practice and we became Duncan and Crosby, P.A. In 2004 Robert Maring joined as a partner so we became Duncan, Crosby and Maring, LLC. Since 1996 my court practice has expanded. It has changed in that the nature of the family court cases I take are more complex and the criminal cases are more challenging. I have been involved in federal litigation on issues ranging from the Fair Labor Standards Act to,

social security to religious freedom. In 2007 my wife and I formed the Crosby Law Firm. We have been in a general practice since that time. And we are both responsible for managing our trust account and the practice as a whole. The Crosby Law Firm practices extensively in Circuit Court, Family Court and Magistrate's Court.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.
- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.

My criminal representation has been limited to an occasional client that needs assistance got a variety of issues. I have recently represented a client against fraud charges. I have also represented a client in General sessions for illegal substance charges and another General Sessions charge regarding a plea agreement from more substantial charges. These were all General Sessions charges that required me to review documents consider pleas offers and make recommendations regarding potential outcomes to clients. I have numerous appearances for city and magistrate

level cases. These are generally DUI cases ranging from Georgetown to Horry County.

My civil trial experience is largely focused by the fact I am a Master-in-Equity and Special Circuit Court Judge and have been for over 10 years. While representing defendants, I have taken a construction case to trial, although it was settled. I have also represented Property Owners' Association in a variety of issues. I secured judgements on behalf of property owners in commercial leases cases and private property owners in boundary disputes. I am also fortunate enough to be able represent injured parties in car accident cases. All of these cases involve procedural maneuvering and discovery is required in all of these cases.

These experiences, in addition to the actual experience on the bench handling trial and post-trial motions, has prepared me for becoming a Circuit Court Judge.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.
 - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: 10
 - (b) state: 90
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 25
 - (b) criminal: 25
 - (c) domestic: 40
 - (d) other: 10
14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 25
 - (b) non-jury: 75

During the past five years, did you most often serve as sole counsel, chief counsel, or associate counsel? Sole Counsel

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
 - (a) Fredrick Herman v. The State of South Carolina; retained PCR. I successfully pursued a post-conviction relief for a client which resulted in a greatly reduced sentence: twenty-five years to four. The Attorney General's Office consented to resentencing.
 - (b) McEntire v. Mooregard **C/A # 98-CP-22-736**; 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003. We were awarded a new trial based on the Thirteenth Juror Doctrine and prevailed on appeal. The case settled after the trial judge was affirmed by the South Carolina Court of Appeals.
 - (c) Representing the volunteer Guardian *ad litem* program. Because they involve children, many of my most significant matters are the hundreds of cases I have handled as attorney for the Georgetown Volunteer Guardian *ad litem* program. These cases have involved litigating on behalf of abused and neglected children.
 - (d) Dept of Social Services v. Murray; I successfully argued at the trial level case seeking to dismiss a volunteer Guardian *ad litem*. The order was appealed by the dismissed GAL. The appeal was ultimately dismissed as moot by the South Carolina Supreme Court in an unpublished decision.
 - (e) Haley v. Nationsbank, N.A., **98-CP-22-780**. I represented a client seeking to claim part of the Nationsbank \$10,000.00 reward for providing information leading to the arrest of church arsonists in the Manning area. The case settled prior to trial. I had to depose FBI agents, noticed the deposition of the CEO of Bank of America, and prepared the case for trial.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
 - (a) Herman v. South Carolina; South Carolina Circuit Court (PCR) Case resolved by consent.
 - (b) McEntire v. Mooregard, 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003.
 - (c) Barry Holmes v. Jo Anne B. Barnhart; **03-2906-13BC** U.S. District Court. The District Court remanded the decision of the Commissioner.
 - (d) Anthony Hyman v. Jo Ann B. Barnhart, **05-03168-DCN** U.S. District Court. The District Court remanded the decision of the Commissioner.
 - (e) John Calhoun v. Jo Ann B. Barnhart, **04 1682 HFF** U.S. District Court. The District Court remanded the decision of the Commissioner.

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
 - (a) None
 - (b)
 - (c)

- (d)
- (e)

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I am the sitting Master in Equity for Georgetown County from 2007 to present. I am able to hear non-jury issues with the consent of the parties.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

- a) Litchfield vs. Cerasaro- Issue was drawing of Community Association setback lines on front beach.
- (b) 1st Citizens vs. McClary- issue involved cross-collateralization of loans.
- (c) BB&T vs. Lomax- issues involved motion by plaintiff to set aside sale after appeal expired.
- (d) BB&T vs. Ger issue involved a motion to set aside a sale by Debtor.
- (e) 1st Cit v. Worthy- issue involved authority of a receiver to pay rents to Debtor.

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

South Carolina Bar, November, 1994; United States District Court for South Carolina, November 1995; Fourth Circuit Court of Appeals, June 1997; United States Supreme Court, October 1998.

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

attached

23. List all published books and articles you have written and give citations and the dates of publication for each.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the

Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

Please see attached orders.

25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I have not sought a rating.

26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
(a) Georgetown County Bar Association 1995-present
(b) President, Georgetown County Bar, 2017.
(c) 15TH Circuit Inn of Court 2017-present

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

I was on the Georgetown County School Board from 2000 until 2007. I was a member from 2000-2004 and Chairman from 2004 until 2007. I did pay a \$100. fine for filing my financial disclosure form late in 2001.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

I am a "part-time" Master in Equity. Therefore, I have continued to practice law in a private practice. I have been a partner in the Crosby Law Firm since 2006.

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

Yes. I ran for Family Court in 2005 and was unsuccessful.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

No.

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

I am a managing partner of the Crosby Law Firm. I have been in that position since approximately 2006. I hope to maximize the income of our law firm.

32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

No.

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No.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.

No.

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist’s principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist’s principal involved.

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

No expense.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

My wife made a \$50.00 contribution to Rep. Hewitt in 2016.

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

I am not aware of any financial arrangements or business relationships that could result in a conflict of interest. However, I will act as required by our ethical canons if such a conflict did arise.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

None.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

None.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

See attached.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

No.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

No.

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

Yes, for DUI when I was 18 (1987). I paid the fine which was more than \$125.00.

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client. I have been named as a defendant in my capacity as judge (Case was dismissed) and by an individual I prosecuted (case was dismissed).

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I am covered by malpractice insurance and have been since I started to practice. We have \$500,000 in coverage and a \$2,500. deductible

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No.

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, (3) Memo of Guidance, and (4) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No. I am not aware of any individuals who have campaigned on my behalf.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

(a)Harold O. Mathisen

████████████████████

[REDACTED]

(b)Ernest Jarrett

[REDACTED]

(c)Robert Maring

[REDACTED]

(d)Christina Vinson

[REDACTED]

(e)South State Bank

Lori Beard, GM

[REDACTED]

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

No.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

(a) Boy Scouts of America, Scoutmaster 2015-2018

(b) Winyah Indigo Society

(c) Prince George Episcopal Church

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: _____

Sworn to before me this ____ day of _____, 2019.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____