



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

Circuit Court
(New Candidate)

Full Name: Joe M. Crosby

Business Address: 405 Dozier St
Georgetown, South Carolina, 29440

Business Telephone: 843-546-3103

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

I have been serving as a Master in Equity and Special Circuit Court judge for over 10 years. During that time I have been deeply involved in the Common Pleas portion of Circuit Court and want to continue that growth. Circuit Court is challenging and is a step that I feel I am prepared by both my private practice and judicial experience.

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?

Unknown

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?

Ex Parte communications are not allowed as a rule. However, Family Court does exceptions. Examples include restraining orders. Those are the exception rather than the rule and are required to allow the Court to fulfill its obligations. Under Canon 3(B)(7), scheduling and administrative communications are given as examples so long as no party receives a tactical advantage.

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?

Although I might not agree with the reason, if it is reasonable I would recuse myself as required by Canon 3 (D)(1).

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 issue to the parties and hear related motions. If my spouse or relative had more than a di minimis relationship I would recuse myself as required by the judicial canons.

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

Canon 4(D)(5) regulates this issue. Generally a judge can accept gifts incident to a public testimonial, resource materials supplied by publishers on a complimentary basis for official use or invitations to attend law related functions or activities. However, those sources must not frequently represent the same position in litigation. The better practice is simply to not accept such gifts. Gifts and normal social hospitality, such as birthdays, holidays, etc. would continue. Since the judiciary must be above reproach, my immediate family would not be allowed to accept gifts beyond those received in the normal course of social hospitality. Canon 4(D)(5).

9. How would you handle a situation in which you became aware of misconduct of a lawyer or of a judge?

I would report such actions to the appropriate authorities as required by Canon 3(D)(1) & (2).

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.

No.

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

No.

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

It has been my experience in almost all courts that the prevailing party generally drafts the proposed order for review and amendment by the parties and finally by

the Court. This is a sound practice and one I would continue.

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

I would maintain hardcopy and automatic deadline information. I currently use a calendaring program on which my staff posts deadlines and reminders of those deadlines. The hardcopies would consist of the trial roster and related notes.

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

It is the role of the judiciary to apply laws. It is not the court’s role to create laws. Judges, by definition, promote public policy as set forth by the legislative branch. Judges cannot set public policy.

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

I hope to speak at continuing education seminars as well as continue to speak locally to students. I have spoken as a lawyer several times at “Career Days” for our county high schools and would certainly hope to continue such activities. I also speak to the Boy Scouts as a lawyer and as an elected official. Again, I would hope to continue those activities.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

All jobs strain personal relationships. However, my wife and I have discussed this issue and the effect it will have on our relationship and our children, and she is in full support

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:
- b. Juveniles (that have been waived to the Circuit Court):
- c. White collar criminals:
- d. Defendants with a socially and/or economically disadvantaged background:
- e. Elderly defendants or those with some infirmity:

All of the above classes have been considered in the sentencing ranges passed by the Legislature. There are ranges for each charge and each case is unique. However, the guidelines set by the Legislature control sentencing. I do not claim to have the answer or reason that each individual is before the Court. My philosophy is each and every Defendant is considered individually and sentenced under the guidelines set forth by the Legislature.

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?

Although the parties could consent to me hearing a case where I or a member of my family held a *de minimis* interest in a party involved under Canon 3(E)(1), I most likely would not hear such a case because of the emotions that are usually attached to contested court cases. Even if the parties agreed at the beginning of the case, I would not want to open the bench to charges of being “bought”. (Canon 1)

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 is required to act in a manner which does not cast reasonable doubt on the judge’s capacity to act impartially, demean the office or interfere with the proper performance of judicial duties. Canon 4(A). I do not believe it is possible or desirable to become isolated from the community where I live. However, I would comply with Canon 4.

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?

No. Canon 1(B) requires that all proceedings be carried out in a patient, dignified, and courteous manner. This will assist me in completing hearing in a businesslike manner. Anger may also give a perception of bias by the court. While it is not proper to show anger, it is essential to control the courtroom. This is again because of the intense emotions that can arise in court.

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 _____, 2019.

(Signature)

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