

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

Circuit Court
(New Candidate)

Full Name: Joey Randell Floyd
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1. Why do you want to serve as a Circuit Court judge?

I have practiced law (litigation) for nearly ten years and, based on my standards, I believe that I have been reasonably successful in my practice. I am a firm believer in public service and I am thankful for those people willing to serve as public servants for the well-being of our society. If elected, serving as a Circuit Court Judge would enable me to give back to my community and my State. I have enjoyed the practice of law, which includes learning about the law, "the practice" of law and, probably most importantly, interacting with people. I can not think of a better way to serve the public than to offer to serve in a profession that you enjoy and respect.

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?

Over the years, I have learned that it is best to exercise caution in using the word "never." However, I am hopeful that I will be able to finish my legal career as a Circuit Court Judge or in some other judicial position.

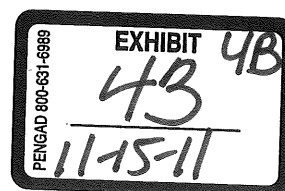
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Generally speaking, *ex parte* communications are unacceptable and I shall not initiate, permit or consider *ex parte* communications that relate or affect issues on the merits of pending matters.

However, under some circumstances, *ex parte* communications are authorized for scheduling purposes, administrative purposes or emergencies that are not related to the matters at issue in a particular case. In circumstances requiring *ex parte* communications, I will ensure that that no party gains any advantage as a result of the communication. I will also promptly notify all other parties about the communication, including the substance of the communication, and allow all parties with an opportunity to respond.

6. What is your philosophy on recusal, especially in situations in which



lawyer-legislators, former associates, or law partners are to appear before you?

A judge should avoid even the slightest appearance of impropriety. In circumstances involving lawyer-legislators, I shall not allow my relationship, if any, with the lawyer-legislators to influence my judicial conduct or judgment. In the event that my impartiality might reasonably be questioned, I should recuse myself from the matter. I should always disclose former associates and former law partners to provide the parties in the specific matter with an opportunity to consider the question of disqualification. In the event that I believe there could be a perception of bias, I would recuse myself from the matter.

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 would give wide deference to the party requesting my recusal and I believe that I would most likely grant the motion. However, there is the limited possibility of the rule of necessity that may override the rule of disqualification.

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

If there is an appearance of impropriety, the issue should be brought to the attention of the parties and the parties should be given an opportunity to request my recusal.

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

No gifts, with very limited exceptions as set forth in the Code of Judicial Conduct. Ordinary social hospitality is acceptable, provided that the social hospitality is not extended nor could it be perceived as hospitality intended to influence my judicial conduct or my judgment.

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

After receiving such information, I would be obligated to take appropriate action, which could include reporting the conduct to the appropriate authority, agency or body.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? 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?

I would have a preference for drafting my own Orders. However, depending upon the complexity of the matter, I would envision requesting the prevailing party's Counsel to draft an Order to provide me with the framework for an Order. In some instances, I would also envision requesting the interested parties to provide me with a proposed

Order for my review (competing orders). In cases involving pro se litigants, I would most likely draft the Order.

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

In my current practice, I use an electronic calendaring system, with reminders, to ensure that deadlines are met. I would expect to have, at a minimum, an electronic calendar that allowed myself and my staff to monitor and meet all deadlines.

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

A Judge is not an activist and does not set or promote public policy. A Judge's responsibility is to follow precedent and steer clear of judicial activism.

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 like to see more educational opportunities available for the public so that the public could embrace the legal system instead of being fearful of the legal system. I would also like to see our legal system continue to work on improving its reputation in society. I would also like to see our state courts migrate to electronic case filing.

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?

No. To a certain extent, all professionals, encounter stress and strain with their particular jobs/positions. My personal relationships have withstood the stress and strain of law school, family and a demanding private practice. I am confident that my family and I are prepared to handle any stress/strain accompanied by the position I am seeking in my candidacy.

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:

The facts and circumstances of each situation/each criminal Defendant are different. While some cases may appear, at first glance, to be strikingly similar, there will always be some slight differences in the facts of each case. The subtle and slight differences in each case makes it difficult, if not impossible, to provide a blanket statement of my philosophy. Each case/situation should be examined on its own facts. I will examine the facts and circumstances of each specific case to determine the appropriate sentencing that should be levied in each specific case by each specific offender.

- b. Juveniles (that have been waived to the circuit court):

The facts and circumstances of each situation/each criminal Defendant are different. While some cases may appear, at first glance, to be strikingly similar, there will always be some slight differences in the facts of each case. The subtle and slight differences in each case makes it difficult, if not impossible, to provide a blanket statement of my philosophy. Each case/situation should be examined on its own facts. I will examine the facts and circumstances of each specific case to determine the appropriate sentencing that should be levied in each specific case by each specific offender.

- c. White collar criminals: The facts and circumstances of each situation/each criminal Defendant are different. While some cases may appear, at first glance, to be strikingly similar, there will always be some slight differences in the facts of each case. The subtle and slight differences in each case makes it difficult, if not impossible, to provide a blanket statement of my philosophy. Each case/situation should be examined on its own facts. I will examine the facts and circumstances of each specific case to determine the appropriate sentencing that should be levied in each specific case by each specific offender.
- d. Defendants with a socially and/or economically disadvantaged background: The facts and circumstances of each situation/each criminal Defendant are different. While some cases may appear, at first glance, to be strikingly similar, there will always be some slight differences in the facts of each case. The subtle and slight differences in each case makes it difficult, if not impossible, to provide a blanket statement of my philosophy. Each case/situation should be examined on its own facts. I will examine the facts and circumstances of each specific case to determine the appropriate sentencing that should be levied in each specific case by each specific offender.
- e. Elderly defendants or those with some infirmity: The facts and circumstances of each situation/each criminal Defendant are different. While some cases may appear, at first glance, to be strikingly similar, there will always be some slight differences in the facts of each case. The subtle and slight differences in each case makes it difficult, if not impossible, to provide a blanket statement of my philosophy. Each case/situation should be examined on its own facts. I will examine the facts and circumstances of each specific case to determine the appropriate sentencing that should be levied in each specific case by each specific offender.

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? No.
21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
23. What do you feel is the appropriate demeanor for a judge?
 A Judge should be patient, dignified and courteous to all litigants, jurors, witnesses, lawyers and all other persons with whom he/she deals with in an official capacity. A judge should have the ability to listen to every person (or that person's/entity's attorney) who has a legal interest in proceedings.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
 I strive to be patient, dignified and courteous at all times in my law practice and I do not believe that my personality would have to change as a result of being elected to the bench. As such, I would continue to be patient, dignified and courteous to all people seven days a week, twenty-four hours a day.
25. 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.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
 Not applicable.
28. Have you sought or received the pledge of any legislator prior to this date? No.
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/Joey Randell Floyd_
Sworn to before me this 10th day of August, 2011. __
Notary Public for S.C.
My Commission Expires: 1/22/2018_