

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

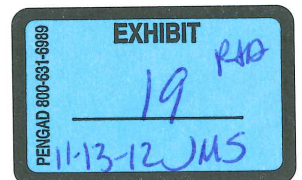
Court, Position, and Seat # for which you are applying:  
Circuit Court Judge, At Large, Seat 16

1. NAME: Mr. Joey R. Floyd  
BUSINESS ADDRESS: 1735 St. Julian Place, Suite 200  
Columbia, SC 29204  
P.O. Box 61110  
Columbia, SC 29260  
TELEPHONE NUMBER: (office): 803-252-7693
2. Date and Place of Birth: 1975; Manning, SC
3. Are you a citizen of SC? Yes.  
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on October 20, 2001, to Ellie Cavanaugh Floyd. Never divorced; two children.
6. Have you served in the military? No.
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.
  - (a) The Citadel – 1993-97, BS Civil Engineering;
  - (b) USC – 1998-2001, JD.
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC, 2001
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

The Citadel  
Cadet Leadership:
  - (a) Company Clerk (First Semester, Sophomore year, 1994);
  - (b) Company Supply Sergeant (Junior Year, 1995-96);
  - (c) Cadet Major (Executive Officer of 3<sup>rd</sup> Battalion, Law Barracks, 1996-97);
  - (d) Summerall Guards (1996-97).

USC Law School
  - (a) Student Bar Association;
  - (b) Peer Mentor.



10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Annual Free CLE Ethics Seminar	11/3/06;
(b) 2006 Ultimate Trial Notebook	11/17/06;
(c) National Institute for Trial Advocacy – SE Regional	5/19/07 – 5/25/07;
(d) NC/SC Construction Law Section	9/14/07;
(e) 2008 Master In Equity Bench/Bar	10/10/08;
(f) Keeping the “Lawyer” in Lawyer	10/28/08;
(g) Annual Free CLE Ethics Seminar	11/7/08;
(h) 2009 Master In Equity Bench/Bar	10/9/09;
(i) 2010 Masters in Equity Bench/Bar (and make-up CLE)	10/8/10;
(j) Consumer Law Section (SC Bar Convention)	1/20/11;
(k) Administrative Regulatory Law Committee, Government Law Section (SC Bar Convention)	1/21/11;
(l) Corporate Banking & Securities Law Section (SC Bar Convention)	1/21/11;
(m) Law Firm Management Seminar (SC Bar Convention)	1/22/11;
(n) Judgment Collection in SC	8/12/11;
(o) Masters In Equity Seminar	10/14/11;
(p) Ethics Seminar	11/4/11;
(q) Consumer Law Section (SC Bar Convention)	1/19/12;
(r) Criminal Law Section, Part I (SC Bar Convention)	1/20/12;
(s) Criminal Law Section, Part II (SC Bar Convention)	1/20/12;
(t) Real Estate Practices Section (SC Bar Convention)	1/21/12.

11. 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.

I was a speaker for the 2008 Master In Equity Bench/Bar CLE (October 2008) on the topic of Supplemental Proceedings and collecting on Judgments.

12. List all published books and articles you have written and give citations and the dates of publication for each. N/A.

13. 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.

- (a) Admitted to practice before the State Courts of SC on 11/13/01;
- (b) Admitted to practice before the Federal District Court 12/4/01;
- (c) Admitted to practice before the United States Court of Federal Claims 3/29/10.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated.

Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

- 14.(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 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.

My practice has been a heavy litigation practice, dating back to 2001. I have been involved in all sorts of litigation ranging from the simplest of issues to some of the most complicated/complex litigation. I have handled a number of legal malpractice matters which can be some of the most complex litigation because of the "case within the case" scenario presented in every legal malpractice action. Each legal malpractice action comes to us with its own unique issues. I have been involved in legal malpractice actions involving issues related to personal injury, worker's compensation, probate, employment and real estate matters. I have exclusively represented the Defendant(s) in the legal malpractice actions, which has been exceptionally rewarding due to the fact that my "client" in legal malpractice actions are attorneys. I have also had the opportunity to represent appraisers in appraisal malpractice actions, which has been interesting over the past several years as the real estate market has had its own set of issues.

General litigation and business litigation matters are also rewarding to me because my clients and I have come to a mutual respect for one another. More specifically, I respect my client's business decisions on certain matters and my clients respect my legal advice, even though they do not always follow all parts of my advice.

Another area of my practice would be collection matters, which has been rewarding to me in that most of my creditor clients have well-intentioned customers that seem to find themselves on hard times. I have enjoyed putting deals/repayment plans together that satisfy my client and my client's customer that could lead to the rebuilding of a relationship between creditor and debtor.

Generally speaking, the more complex litigation tends to have more complex procedural histories, including second and third amended

complaints, along with fourth party complaints, cross claims and counterclaims.

While I have limited experience in criminal matters, I am confident that I have the ability to rapidly learn the criminal system based on the fact that I have studied and learned numerous legal principles over the course of almost eleven years in my law practice. I will also take advantage of as many continuing legal education courses as possible to broaden my spectrum of knowledge in criminal matters. I would use all tools available to me as a circuit court judge to continuously educate myself on civil and criminal matters.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. BV Rating by Martindale-Hubbell.
16. What was the frequency of your court appearances during the last five years?
  - a) federal: I have handled and/or been involved in a number of federal court cases over the past five years. I would estimate that I have been involved in 5 – 10 federal court matters during the past five years. The federal court matters that I have been involved with over the past five years have primarily been disposed of by way of a summary judgment motion (where I/my firm represented the party moving for summary judgment), referred to arbitration or settled. As a result of the electronic case filing and electronic case management, a number of federal court cases that I have been involved in have been disposed of and/or resolved through electronic filings. I am currently handling a pending matter in federal court and I recently settled a federal court action. I would estimate that the Federal Court portion of my practice would be approximately 5 - 10% of my practice;
  - (b) state: I have handled numerous state court cases over the past five years and routinely appear in Circuit Court for motion hearings and roster meetings. I also frequently appear in the Equity Courts of SC as a part of my collection practice.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
  - (a) civil: 99%;
  - (b) criminal: 1%;
  - (c) domestic: 0%;
  - (d) other:
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
  - (a) jury: 75%;
  - (b) non-jury: 25%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Years one and two of the past 5 years, I would have been associate counsel; however, during the past 3 years, I have been serving primarily as sole counsel. I am also assisting other attorneys in my firm on various matters as associate counsel.

19. 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) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. This case is a reported case, 361 S.C. 476, 605 S.E.2d 563. I, along with Hank Wall in my firm, represented the Defendants in this particular action against a Plaintiff's claim of, among other causes of action, inverse condemnation. This case provided the Court of Appeals with an opportunity to expand and clarify various issues relating to inverse condemnation. When this case was tried the first time (October 2002), the case law on inverse condemnation was far from clear. This is also the only trial that I have been involved in where the same case was tried twice as a result of the appeal.
  - (b) Fortson v. Randy Skinner, Greenville County C/A No.: 08-CP-23-1124 and U.S. District Court C/A No.: 6:08-cv-01107. I represented Randy Skinner, a SC attorney and United States Bankruptcy Trustee, in an action filed by Major Fortson. Fortson claimed that Randy Skinner, while carrying out his duties as the United States Bankruptcy Trustee, failed to properly carry out his duties. The State Court action and the Federal Court action were ultimately dismissed on the basis of the Barton Doctrine. The Barton Doctrine basically states that before filing an action against a United States Trustee, a litigant must obtain permission from a United States District Court Judge. The Barton Doctrine provides a layer of insulation against frivolous filings by litigants who can be disgruntled debtors or creditors in the United States Bankruptcy Courts.
  - (c) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This case began as a simple collection matter that had the potential to be an important case concerning the "diligent creditor rule." To some extent, the existing case law in SC is not clear on how "lazy" creditors should be treated when an aggressive creditor finds certain personal property of a common debtor. While there is some authority that tends to suggest that the Courts should only reward the efforts of the diligent creditor, the case law is not absolute and this particular case had the potential to be a leading case as a result of my efforts in supplemental proceedings when I located over \$50,000.00 in a bank account that the debtors claimed was for the benefit of all creditors. Unfortunately, one of the debtors filed for bankruptcy and the

appeal was ultimately dismissed by the Court of Appeals on the basis that the appeal became moot.

(d) Ellison v. Heart Rate, Inc., et.al., C/A No.: 3:06-cv-1053. This case was a products liability action against, among others, an exercise machine manufacturer. I represented the machine manufacturer in this particular federal action. The Plaintiff failed to procure an expert to opine on the alleged defect(s) and the federal court dismissed the Plaintiff's action, relying in part on the Plaintiff's failure to procure an expert. This case illustrates the importance of adhering to the Court's Orders.

(e) Carews v. RBC Centura Bank, et.al. C/A No.: 2010-CP-32-442. I represented the appraiser in this civil action. The Plaintiffs in this civil action were borrowers who were building a million dollar home and, during construction, their builder encountered financial problems so severe that it/he was unable to finish the home. The borrowers alleged that the appraiser was negligent in making her inspections during the construction of the home. The trial court recently granted the appraiser summary judgment on the basis that the appraiser did not owe any duties to the borrowers.

20. 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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).

(a) Mowrer v. Charleston County Parks and Recreation Commission, et.al., C/A No.: 2000-CP-10-2420. The case is reported at 361 S.C. 476, 605 S.E.2d 563;

(b) Blanchard Machinery Company v. L & L Construction, LLC, et.al., C/A No.: 05-CP-21-1531. This appeal was not ruled upon by the Court of Appeals and was dismissed as moot as a result of the Defendant's/Debtor's bankruptcy filing;

(c) I have assisted other attorneys in my firm on various civil appellate matters.

21. List up to five criminal appeals that you have personally handled. None.

22. Have you ever held judicial office? No.

24. Have you ever held public office other than judicial office? No.

25. 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. N/A.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I submitted an application for a US Magistrate position in Florence, SC, in, I believe, late 2009 or early 2010. I was not selected for the position.

I was also a candidate for the Fifth Judicial Circuit Court Judge, Seat 3 in the fall of 2011. I was found Qualified, but Not Nominated for Seat 3 by the Judicial Merit Selection Commission.

27. 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?

Yes, upon graduating from The Citadel, I practiced civil engineering with an engineering firm in Augusta, Georgia (Cranston Robertson & Whitehurst). I was employed with the engineering firm for approximately one year (June 1997–June 1998) before entering law school in the fall of 1998. While employed with the engineering firm, I passed the Engineer In Training exam.

28. Are you now an officer or director or involved in the management of any business enterprise?

I am a Member of the law firm of Bruner Powell Wall & Mullins, LLC. Jim Bruner is the Manager Member of Bruner Powell. Bruner Powell does not have officers or directors.

I am also a Member in 1735 St. Julian Place, LLC and I serve as the Building Manager for 1735 St. Julian Place, LLC. My duties are basically those of a "facilities manager" in that I am responsible for the upkeep and maintenance of the building located at 1735 St. Julian Place, Columbia, SC.

29. A complete, current financial net worth statement was provided to the Commission.

30. 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. Explain how you would resolve any potential conflict of interest.

I am not aware of any financial or business relationships that could result in a possible conflict of interest.

31. 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? No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. 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? No.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

Yes. I filed a civil action in Richland County (a claim and delivery action) seeking possession of a machine owned by my client/the creditor. I was successful in locating and repossessing the machine on behalf of my client. The Debtor/Defendant (the adverse litigant) filed an action against me, a number of other attorneys and circuit court judges to retaliate against myself,

other attorneys and judges for adverse actions against the Debtor. The action was filed in the United States District Court, C/A No.: 3:05-cv-1113-CMC, on April 13, 2005 and dismissed on May 5, 2005. I have included a copy of the Complaint and Order dismissing the case with this Personal Data Questionnaire. I also believe that this same adverse litigant may have filed another action against me, which was also ultimately dismissed. However, I have been unable to locate a copy of any other filed pleadings.

36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.

37. 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.

I am currently covered by malpractice insurance. I have been covered by malpractice insurance since becoming a member of the Bar. I have never been covered by a tail policy. My/my firm's current coverage (limits) are \$2 million per claim/\$4 million aggregate. The deductible for my/my firm's current malpractice insurance policy is \$5,000.00.

38. 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)? No.

39. 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? None.

40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." None.

41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." None.

42. 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. None.

43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.

44. 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? 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? No.

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
48. 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) American Bar Association;
  - (b) Richland County Bar Association.
49. 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) Washington Street United Methodist Church Childcare Development Center, Current Board Member, Current Board Member, Former Board Member (2007-09) and Former Chairman of the Board (2009);
  - (b) Washington Street United Methodist Church, Missions Committee, Former Member of the Committee.
50. 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.

Growing up in Turbeville, SC, provided me with a different perspective on life. I grew up in, and around, a farming community/lifestyle. Today, I have the privilege of serving as an attorney and interacting with professionals. To a certain extent, I have been able to draw on the benefits of both walks of life and I believe I have the ability to connect with a diverse group of people. Additionally, after appearing in Court on numerous occasions over the course of my law practice, I believe that I understand the traits and characteristics that make a good Judge.
51. References:
  - (a) Elizabeth Holstein (banker)
  - (b) Joseph R. Blanchard
  - (c) Phyllis Burkhard
  - (d) Fred L. Price, Jr.
  - (e) Dr. William Childs

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: Joey R. Floyd

Date: August 7, 2012

JOEY R. FLOYD

(Candidate for At-Large Seat 16)

SUPPLEMENTAL ANSWER TO PERSONAL DATA QUESTIONNAIRE

51. List the **names, addresses, and telephone numbers** of five persons, including your banker, from whom references could be obtained.

(a) Elizabeth Holstein (banker) – 1230 Main Street, Columbia, SC 29201; Tel. No.:  
803.931.1828

(b) Joseph R. Blanchard – P.O. Box 7517, Columbia, SC 29202; Tel. No.: 803.791.7100

(c) Phyllis Burkhard – 701 S. Main Street, Suite 139, Columbia, SC 29208; Tel. No.:  
803.777.8479

(d) Fred L. Price, Jr. – 5506 Two Notch Road, Columbia, SC 29204; Tel. No.: 803.754.2911

(e) Dr. William Childs – 1401 Washington Street, Columbia, SC 29201; Tel. No.: 803.256.2417

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

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

Full Name: Joey Randell Floyd  
Business Address: 1735 St. Julian Place, Suite 200  
Columbia, SC 29206  
Business Telephone: 803-252-7693

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

I have practiced law (litigation) for nearly eleven 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 cannot 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.

Joey Randell Floyd

Sworn to before me this 7 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 06/30/14 \_\_\_\_\_