

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

**Master-in-Equity
(Incumbent)**

Full Name: Joe M. Crosby
Business Address: 405 Dozier St Georgetown SC. 29440
Business Telephone: 843-546-3103

1. Do you plan to serve your full term if re-appointed? Yes.
2. Do you have any plans to return to private practice one day? Yes.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. 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.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

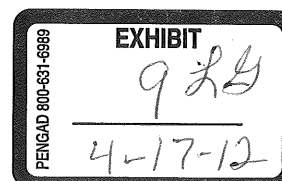
The rules of professional conduct provide guidance for former partners and associates. Lawyer-legislators would require recusal if my judicial re-election was pending. I would not recuse myself as a rule from lawyer-legislator cases because the parties and their case deserve to be heard. The same potential conflict would arise regardless of which judge heard the case.

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. 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).

8. 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).

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated? No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Yes. Boy Scouts of America.

11. How do you handle the drafting of orders?

It has been my experience in family court 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.

12. What methods do 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 post deadlines and reminders of those deadlines. The hardcopies would consist of the trial roster and related notes.

13. 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.

14. 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 an elected official. Again, I would hope to continue those activities.

15. 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.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

17. 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 family 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)

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

Yes, Prince George Church and Boy Scouts of America.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.

20. What do you feel is the appropriate demeanor for a judge?

I would act in an efficient and businesslike manner as required by Canon 3)(B). This is critical to the administration of the court system. It not only speeds the disposition of cases, it also maintains a better atmosphere in the courtroom for the litigants. The goal is to have all parties feel their position has been heard and considered. They may not have prevailed but they have had their day in court and been treated fairly.

21. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?

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.

22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

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.
23. 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.
 24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
 25. Have you sought or received the pledge of any legislator prior to this date? No.
 26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
 27. 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.
 28. Have you contacted any members of the Judicial Merit Selection Commission? No.
 29. 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/Joe M. Crosby

Sworn to before me this 2nd day of March, 2012.

Notary Public for S.C.

My commission expires: 1-23-2022