



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

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

Full Name **Joe M. Crosby**

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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 required by Canon 3 (D)(

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 or appearance of infirmity 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. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

Yes. Boy Scouts of America.

10. How do you handle the drafting of orders?

It has been my experience 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.

11. What methods do you use to ensure that you and your staff meet deadlines?

The electronic filing system uses automatic deadline information. I currently use a calendaring program on which my staff post deadlines and reminders of those deadlines.

12. 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.

13. 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 speak at continuing education seminars as well as hope to continue to speak locally to students. I have spoken as a lawyer and judge 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 a judge. Again, I would hope to continue those activities.

14. 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. I think our main strain is that we practice together.

15. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

16. 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)

17. 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 these bases.

No.

18. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

19. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

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.

20. 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.

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 _____, 2018.

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____