

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

Family Court
(Incumbent)

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1. Why do you want to serve another term as a Family Court judge?
This is my fifth judicial race to serve the citizens of South Carolina as a Family Court Judge. Initially, I was elected to this seat in 2018. Not every person is well-suited for the day-to-day service that comes with being a Family Court judge. Recently a Circuit Court judge commented to me about having to hear a daycare child abuse case and the struggle that judge had with hearing such sadness and emotional testimony. Family Court judges hear difficult cases each day, serving and protecting even our youngest citizens. I am well-suited for this role. I relish this role, and I am grateful to have the opportunity to continue serving the public as a Family Court judge.

2. Do you plan to serve your full term if re-elected?
Yes.

3. Do you have any plans to return to private practice one day?
No.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes. I am 52 years old. I have resided in Lexington County, South Carolina for the past twenty-one (21) years, and I was licensed to practice law in South Carolina in November 1998.

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

When I was a practicing attorney in speaking with a judge, I was always mindful of any circumstance which could be perceived as giving rise to an inappropriate *ex parte* communication, and I avoided such circumstance. As a judge, I quickly became aware that there are attorneys who perhaps do not understand completely what is or could be considered *ex parte* communication. I am very sensitive to this issue, and while there are occasions such as scheduling or filing for an emergency or expedited hearing which warrants *ex parte* communication, I have made immediate efforts to include the other party when possible. For example, if a case is pending and both parties are represented, I will not consider an *ex parte* request for emergency/expedited relief without notice to the other attorney. My assistant helps me ensure that no inappropriate *ex parte* communication occurs, and when *ex parte* communication is allowed under the rules, she and I ensure that the rules are followed.

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?

A judge must be mindful at all times that the judge is a representative of the judicial system, not a state agency, not a private firm, and as such, the judge must avoid the *appearance* of impropriety. After full disclosure of all of the facts on the record, if there is a possibility that either side could perceive the Court as being partial or biased, then recusal is warranted. In the scenario presented, recusal is warranted, because a party requested it. The judge's position at that point is not determinative. There are circumstances where litigants may attempt to use recusal as a means to "judge shop" or manipulate the selection of judges for a particular case, and this is why it is critical that the hearing occur with all having an opportunity to be heard. The Judicial Oath requires me to sit impartially and act promptly. I take the oath seriously, and am obligated to follow it, including granting recusal where appropriate. According to Rule 510, SCACR, my responsibilities as a judge includes hearing and deciding matters assigned to the judge *except* those in which disqualification is required and not being swayed by partisan interests, public clamor or fear of criticism (emphasis added). Some cases of recusal are easily determined such as the case of former associates and law partners, I do not believe that one can circumvent the appearance of impropriety/partiality; therefore,

I would not hear a case in which attorneys representing the individual groups listed above appeared. The key is the appearance of impropriety, and if I believed it was warranted to raise the issue, and a party requested recusal, then I would grant the motion, making every effort to avoid delay in rescheduling.

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

I have not had this situation arise in the court setting due to my family making efforts to avoid situations which could give rise to such a conflict. If my spouse or close relative would have some implication of involvement as suggested, after full disclosure is made on the record, I would recuse myself, because there is always the risk of an appearance that any decision made by the Court was motivated by improper bias even if it is not so motivated. My understanding is that the standard is not whether you acted improperly but whether you could appear to have acted improperly, and in the case of a spouse or close relative, I cannot perceive of a situation where that appearance would not exist.

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

If the person giving the gift ordinarily gave a gift prior to my being elected as a judge, then so long as the gift was commensurate with the occasion, then I would not refuse the gift. With regard to family members living in my household, the same would hold true. Otherwise, the standard employed by me would be to refuse a gift or offering (i.e. picking up the check for dinner) unless there was a special occasion warranting acceptance which was allowed for under the Judicial Canons and also which would not give rise to an appearance of impropriety. The same would hold true for members of my family.

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

Again, a judge has a duty of impartiality and to perform his or her duties diligently. Judges have a duty to report misconduct to the appropriate authority and a duty to take appropriate action if they receive information regarding the possibility that a violation of the Judicial Canons or Rules of Professional Conduct has occurred. I would consider the source of the information, the factual basis for the information, the actual knowledge of a violation and take appropriate

action based on an analysis of the entirety. Appropriate action could range from communication with the attorney or judge to sanctions to reporting the conduct for further investigation.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.
In the past I have engaged in fund-raising activities for Relay for Life or the American Cancer Society. I have also engaged in fund-raising for Lexington High School Athletics through the Booster Club and several teams at that school. I have attended political fundraisers for various candidates over the years, but not while a judicial candidate. Since becoming a judge, I have not engaged in any fund-raising activities, including declining to raise funds for my son during his time as a college athlete.
11. Do you have any business activities that you have remained involved with since your election to the bench?
No.
12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?
Gratefully, some circuits now share a law clerk among the Family Court judges. Typically, the law clerk does not draft orders; however, the Eleventh Circuit law clerk drafts all orders for self-represented litigant divorces which saves a significant amount of time and allows for an efficient docket. Drafting of other orders is handled on a case-determinative basis. For example, in orders on Motions or other routine decisions, I typically ask the prevailing party to draft the order, provide a copy to opposing counsel and submit to me within a time frame that would accomplish having the order finalized within thirty (30) days. With regard to a more detailed order or matters that were taken under advisement, I typically reconvene the hearing to present my ruling or prepare a memorandum as to my ruling, submit the memorandum to counsel for the parties, and request counsel to submit the proposed order to the Court. After receipt of the proposed order, edits may be made by the Court.
13. What methods do you use to ensure that you and your staff meet deadlines?
My assistant is invaluable in keeping track of orders that are due or overdue, docketing matters, and filing reports. We have a color-coded system which tracks matters by date, county, attorney, and case name/number. My assistant knows the deadlines for reports

and prepares the reports with my input and for my review at a minimum of five (5) days prior to the deadline, keeping a calendar and reminder system of approaching deadlines. The rules which apply to the Court and attorneys alike require “[e]xcept under exceptional circumstances, an order in a domestic relations case shall be issued as soon as possible after the hearing, but not later than 30 days thereafter,” Rule 26(c), SCRFC. I do my best to abide by this rule.

14. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

With regard to private actions, initially, upon reviewing each file in which a private guardian ad litem has been appointed, I determine whether the guardian ad litem has filed the initial affidavit. I believe the Court can determine by the nature of the Court appearance whether the guardian ad litem is performing his or her statutory duties. If there are gaps in the investigation, the Court is at liberty to direct the guardian ad litem to include in his or her investigation certain actions or focus on certain aspects of the case which give the Court pause or concern. The Court can and should ensure that the guardian ad litem has been included in the hearings if a guardian has been appointed. Oftentimes, attorneys neglect to include the guardian in scheduling and fail to provide notice to the guardian. In these instances, I have continued matters to allow the guardian ad litem to be present. If a guardian ad litem has been appointed, he or she should be present, and the Court can ensure compliance with that provision, unless, of course, the attendance is excused. Two other statutory provisions that the Court can consider upon reviewing a file or having a guardian ad litem appear in Court is the billing in relation to the statutory fee cap and timely submissions to the Court. Finally, upon review of the guardian’s final report, at a minimum, the judge should have a checklist to ensure that the guardian ad litem has complied with the statutorily mandated duties and conducted a full investigation based upon those duties. I allow for any objections from counsel prior to considering reports. The final order should relieve the guardian of any further action or duties.

With regard to child protection cases, the role of the guardian and the nature of his or her report is different than in private cases. The Court should ensure that the guardian ad litem is appointed. The guardian ad litem should receive proper notice of all hearings and orders, because the duty of the guardian includes ensuring

compliance with and enforcement of all Court orders. The guardian is obligated to the Court until relieved of his or her duties by the Court, so again, the final order should relieve the guardian formally.

Specifically, I have incorporated a checklist for files involving guardians ad litem, and I include in my review of the file the items relating to the guardian statutes to ensure that the statutory provisions were followed.

15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
The role of the judiciary is to interpret and apply the laws, not make the law. My belief is that a judge can and should issue rulings within the confines of the law. Policy considerations are for lawmakers’ consideration. I concede that if a statute or case law is broad enough, allowing only the decision and giving no guidance as to what findings the Court must make in reaching the decision, then a judge could consider a public policy argument in conjunction with other factors in reaching a decision thereby setting or promoting public policy. However, at all times, a judge must maintain neutrality. My position is that if a judge manipulates the law to achieve an outcome based on his or her policy beliefs, then that judge has not maintained neutrality, demonstrating a critical concern with judicial activism.

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 believe judges can benefit the legal system by engaging in speaking, writing, or instructional activities such as CLE participation. Additionally, I would be inclined to consider improvements in docket management and working with the Office of the Clerk of Court. Further, I would like to serve on committees with other attorneys and judges, such as the South Carolina Family Court Bench/Bar committee. Just recently, the Family Law Inn of Court was created as one of only two specialty Inns of Court in South Carolina. I believe the judges who are part of this Inn of Court are undertaking activities to improve the law and legal system as it relates to Family Law, including mentoring law students who may be interested in the practice of Family Law.

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?

As with any job, there is the reality that the job carries over into one's personal life and has the potential to create strain in personal and family relationships, depending on the issue being dealt with at the time. Previously, practicing as a family law attorney and serving as a Guardian ad Litem in many cases, I learned to deal with the additional stresses that arise out of my work and the cases that I handled. I am very conscious of confidentiality, and thankfully, I have a very supportive network of family and friends who understand that I am unable to discuss what happens at work frequently. I suspect nothing will make one appreciate watching one's children play sports, attend a parent/teacher night or hear a school orchestra concert than sitting through a contested custody battle with allegations of abuse and neglect. I have learned to balance the work load and level of stress from my job, and because of my line of work, I take time to ensure that I appreciate my life outside of my work, all of which helps me minimize the pressure and strain created by working in Family Court. As the years on the bench have passed there have been circumstances creating additional stressors in my professional and personal life, such as the COVID pandemic or having three children in college at the same time. These circumstances forced me to reconsider how I handled stress both personally and professionally, and I took additional steps to manage that stress to include having a personal trainer or spending weekends at my mountain home rather than at work. I believe as long as one is open to recognizing issues and then taking steps to address those issues, then stress on relationships is alleviated.

18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.
19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
No.
20. 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.

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?

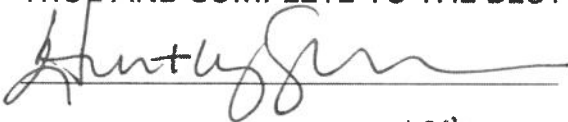
I feel that a judge should appear controlled, interested, and impartial so as to maintain the decorum of the Court. There is no reason for a judge to be disrespectful. At all times, a judge should be mindful that his or her demeanor will reflect on the judicial office. I approached all of my cases in every Court with a certain formality, and I believe that a judge should maintain formality in proceedings. I learned that my courtroom is sometimes described as "sterile." As a Family Court judge, I deal with very serious issues day in and day out. These are issues of abuse and neglect, juvenile delinquency, divorce, child custody, contempt of court, termination of parental rights, domestic abuse and others. In addition to considering this emotional and most times tragic subject matter, I must consider the rules of procedure to ensure I am protecting constitutional rights while determining that I have the authority to hear the case. Sterility in a courtroom may not necessarily be a bad thing, and while I can appreciate that such seriousness may come across as severe in some cases, I am not typically a judge who engages in joking and frivolity in the courtroom. While that is my demeanor, I do not believe it is an absolute nor do I believe it is improper for another judge to choose to act a different way. I do believe, however, that while I may not engage in frivolity, a judge can be courteous and patient and still run an efficient courtroom. In addition to maintaining decorum and control in the courtroom, I also believe those same standards as to demeanor apply outside of the courtroom. A judge is a representative of the judicial system and is a public servant, and that role does not cease when a judge vacates the courthouse. Therefore, I believe the rules apply at all times.

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 a pro se litigant?

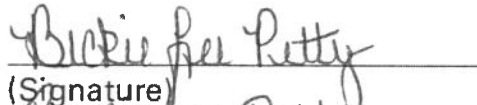
While frustration can be a normal reaction and unfortunately can occur when dealing with self-represented litigants or members of the public who do not understand the proper court procedures, a judge should maintain his or her patience and dignity. Being firm is distinguishable

from being angry. Anger is never appropriate for a judge, regardless of the classification of the individual (i.e. attorney, plaintiff, defendant, member of the public or *pro se* litigant). Once a judge resorts to anger, I am convinced that personal bias will come into play, creating a situation in which the judge can never resume impartiality. Decorum is key in a courtroom, and if the judge is disorderly and discourteous, then decorum cannot be maintained.

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 19th day of August, 2024.



(Signature)



(Print name)

Notary Public for South Carolina

My commission expires: 9/24/2025