



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

Family Court
(Incumbent)

Full Name: Joseph C. Smithdeal

Business Address: 528 Monument Street, Room 208, Greenwood, South Carolina 29648

Business Telephone: (864) 942-8643

1. Why do you want to serve another term as a Family Court judge? I want to serve another term as Family Court judge because the work is rewarding, I am well qualified and I care about South Carolina families.
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.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? My philosophy is that except in limited circumstances such as administrative matters, scheduling, true emergencies or when expressly authorized by law, *ex parte* communications should not take place or be considered by a judge. At the very minimum, this type of contact undermines public confidence in the judge and the justice system. *Ex parte* contacts are covered by Section 3B(7) of the Code of Judicial Conduct.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what

Assuming that I had received information indicating a substantial likelihood of a violation on the part of a judge or a lawyer, I would address the information directly with the person and investigate in private to avoid scandal and protect the integrity of the judicial system. If I then had knowledge of a particular misdeed, I would urge the person to self-report and if he did not, I would be duty bound to report it myself.

9. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. No.
10. Do you have any business activities that you have remained involved with since your election to the bench? My old law partner and I own a building in Greenwood. I am minority owner and am not involved in the management. I am not an active partner and his law firm is the only occupant of the building.
11. Since Family Court judges do not have law clerks, how do you handle the drafting of orders? Family Court judges generally ask either the prevailing or moving party's attorney to draft a proposed order. I think this works well. The attorneys are the people most familiar with the facts of the case. Lawyers have an incentive to write a good order because they want to keep it in case of appeal. Family Court judges also have form orders for various case types, and I utilize form orders when appropriate. Where circumstances such as time or pro se parties are an issue, I write the orders myself. I enjoy writing.
12. What methods do you use to ensure that you and your staff meet deadlines? As in the practice of law, deadlines are important for judges. I keep a computerized and a paper system of hearings which reminds me about which orders are still outstanding. I denote that an oral ruling has been issued and when. My staff and I monitor the computer system daily to ensure that all work is being done in a timely manner. I am Chief Administrative Judge in my circuit and we are doing very well in terms of moving cases efficiently.
13. 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? I only appoint guardians ad litem who are

qualified. I avoid using the same guardian too often so as to avoid complacency. I am clear with my expectations of the GAL regarding such things as timely submission of reports to the Court and bills to the parties.

14. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy? Judges have no role in making or promoting what they believe to be public policy. The judge's responsibility is to interpret and follow the law and public policy as established by the Legislature and the Appellate Courts.
15. 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 have and will continue to teach or participate in seminars on the law. I also help with high school mock trial.
16. 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? No. I think being a judge has helped me to become a better husband and father. My wife is also a member of the Bar and was a law clerk for a Circuit Court judge. She is supportive of my decision to seek re-election.
17. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
18. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Canon 3 of the Code of Judicial Conduct does not require disqualification unless the interest is more than *de minimis*. However, I believe that the appearance of bias should be avoided and I would certainly entertain any motion for recusal and give serious consideration to any party's concerns.

19. 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. I am a member of the Knights of Columbus. This is a world-wide charitable Catholic fraternal organization with over two million members. The Knights of Columbus help people at home and around the world with food, clothing, shelter and also the care of disabled people. One must be a Catholic and a man to be a member. There is no invidious discrimination at all. See commentary Canon 2C
20. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes.
21. What do you feel is the appropriate demeanor for a judge and when do these rules apply? A judge should be punctual, courteous, open-minded and respectful of all witnesses, parties and attorneys. He should be decisive and clear in making rulings and must be patient. A judge should try to be all of these things at all times.
22. 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? Anger is not appropriate in dealing with defendants, attorneys or pro se litigants. A judge presides in a dispassionate manner according to the law and equities of a given case. Anger has no place on the bench because anger, even if warranted, could lead a reasonable person to question the judge's impartiality.

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 _____, 2024.

(Signature)

(Print name)
Notary Public for South Carolina
My commission expires: _____