



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

**Administrative Law Court**  
**(New Candidate)**

Full Name: Kristian Melissa Cross Gerwe

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1. Do you plan to serve your full term if elected?  
Yes.
2. Do you have any plans to return to private practice one day?  
No.
3. Have you met the statutory 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?  
My philosophy regarding *ex parte* communications echoes South Carolina Judicial Canon 3, Section 7. Specifically, *ex parte* communications should be avoided except under limited or emergent circumstances that do not deal with the substantive issues of the case. Moreover, both parties should be notified of the communication with an opportunity to respond and neither party should be prejudiced by the communication. I would avoid *ex parte* communications; however, I could envision such communications being tolerated for scheduling and/or administrative purposes.
5. 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?  
Under the circumstances provided and upon listening to the arguments of the parties, I would most likely grant the motion as

both parties must have confidence that they are appearing before an unbiased, fair and objective court.

6. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality?

If elected, I would hold myself to the standards set by Canon 4 of the South Carolina Judicial Canons regarding the acceptance of gifts or social hospitality.

7. 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?

I would handle this particular situation by first discussing the misconduct or appearance of infirmity with the lawyer or judge. If, after discussion, it became clear to me that a violation of the rules of professional conduct were violated, I would report to the appropriate governing body. Additionally, if the misconduct or infirmity were drug, alcohol or mental health related, I would consult Lawyers Helping Lawyers to assist the lawyer or judge.

8. Are you affiliated with any political parties, boards or commissions that, if you are elected, would need to be re-evaluated?

No.

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

Yes, I am a member of the Columbia (SC) Chapter of the Links, Incorporated, which engages in fundraising activities through its charitable organization, The Links Foundation. The organization engages in a biennial Christmas Brunch and an annual golf tournament to raise money for programs that support community outreach and educational scholarships. I am also a member of Delta Sigma Theta Sorority, Incorporated, which also fundraises for community outreach programs and educational scholarships.

10. How would you handle the drafting of orders?

I would provide the parties with Order Directives/Instructions with my specific Findings of Fact and request proposed orders from the prevailing party that coincides with my findings. Additionally, I would ask the drafting party to share the proposed order with opposing counsel for comment before the submission deadline. Lastly, I would work with my law clerk and/or staff attorney to prepare and finalize the order.

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

Yes.

19. What percentage of your legal experience has dealt with cases that appear before the Administrative Law Court? Please describe to the Commission your experience in these areas.

Approximately, 90% of my legal experience has dealt with cases that appear before a tribunal analogous to the Administrative Law Court. The Workers' Compensation Commission is an administrative agency under the State's executive branch and hears contested cases pursuant to the Administrative Procedures Act.

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

I feel the appropriate demeanor for a judge is one of civility, patience and respectfulness at all times.

21. 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?

I do not think it is ever appropriate to be angry with a member of the public, pro se litigant or attorneys. Everyone who appears before a judge deserves to be treated with courtesy, respect and patience.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Kristian Cross

Sworn to before me this 21<sup>st</sup> day of August, 2024.

Savilla J. Jenny  
Notary Public for S.C. Savilla J. Jenny  
My Commission Expires: October 8, 2031

