



**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE  
2020**

Court, Position, and Seat # for which you are applying: Circuit Court Judge, At-Large, Seat 12

1. Name: Mr. Derek A. Shoemake  
Mrs.  
Ms.

Name that you are known by if different from above  
(Example: A Nickname): N/A

Are you currently serving in some capacity as a judge? If part-time, please note.  
(Includes Municipal, Magistrate, Etc.) No.

Home Address: [REDACTED]

Business Address: 401 West Evans Street, Suite 222, Florence, SC 29501

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 843-667-3992  
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1978  
Place of Birth: Augusta, Georgia  
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes.  
Have you been a resident of this state for at least the immediate past five years? Yes.

4. SCDL# or SCHD#: [REDACTED]  
Voter Registration Number: [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.
- (a) Dates: Active duty from June 17, 1997-June 16, 2001;
  - (b) Branch of service: United States Marine Corps;
  - (c) Highest rank attained: Sergeant;
  - (d) Serial number: N/A (social security number);
  - (e) Present status: No longer serving;
  - (f) Character of discharge: Honorable.

6. Family Status:
- (a) State whether you are single, married, widowed, divorced, or separated.
  - (b) If married, state the date of your marriage and your spouse's full name and occupation.
  - (c) If widowed, list the name(s) of spouse(s).
  - (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
  - (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Family Status: Married on December 18, 2004 to Laina Marie Shoemake, teacher.

Never divorced, two children.



7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
- (a) Tidewater Community College, August 2001-July 2002, Associate of Science;
  - (b) Old Dominion University, August 2002-May 2004, Bachelor of Science;
  - (c) University of South Carolina School of Law, August 2006-May 2009, Juris Doctor.
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
- (a) Editorial Staff, South Carolina Law Review, 2007-2009;
  - (b) Student Instructor, Writing Clinic, 2007-2009;
  - (c) Co-founder and Vice President, Servicemembers and Veterans in Law, 2007-2009;
  - (d) Member, Defense Research Institute Student Chapter, 2008-2009;
  - (e) Law Clerk, Nelson Mullins Riley & Scarborough, 2008-2009 (during 3L school year).
9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.
- (a) South Carolina, 2009, I took the bar once.
10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the

administrative and financial management of each of these entities, including management of trust accounts.

- (a) Law Clerk, the Honorable G. Ross Anderson, Jr., Senior United States District Court Judge, Anderson, SC, 2009-2010. I began my legal career clerking for Judge Anderson, who had a varied criminal and civil docket. As he had been on the bench for thirty years by that point, Judge Anderson routinely provided insight about both federal and state court practice I would carry with me for the rest of my career. In addition to assisting Judge Anderson with civil and criminal trials, orders, and motions, I served as the primary law clerk on matters related to the EPA's Sangamo Weston/Twelve-Mile Creek/Lake Hartwell PCB Contamination Superfund Site.
- (b) Associate Attorney, Nelson Mullins Riley & Scarborough, Columbia, SC, 2010-2011. My practice at Nelson Mullins consisted primarily of civil defense for corporations in pharmaceutical cases and products liability cases in U.S. District Court and the Court of Common Pleas. I also directly assisted in standing up Nelson Mullins's then-emerging electronic discovery practice, now a major component of the firm's business model. I would often handle appointed Family Court matters for senior partners, including at least one vulnerable adult case and a number of termination of parental rights matters. In an effort to gain even more courtroom experience, I worked on numerous cases outside of my practice group, including trying a pro bono civil rights case as chief counsel before a jury, serving as second chair in a retained homicide by child abuse case in the Court of General Sessions that pled before trial, and conducting depositions and motions practice in a pro bono case in the Court of Common Pleas involving prison conditions for mentally ill inmates. As an associate attorney, I was not responsible for the administration or financial management of the firm.
- (c) Law Clerk, the Honorable R. Bryan Harwell, Chief United States District Court Judge, Florence, SC, 2011-2013. I began clerking for Judge Harwell upon the departure of one of his term clerks. Given my experience in practice, I was able to offer Judge Harwell practical advice on his many criminal and civil matters. I assisted Judge Harwell, an active judge with a robust docket, in nearly a dozen criminal and civil trials and worked on hundreds of civil and criminal motions. Additionally, I managed several appellate matters when Judge Harwell sat by designation with the U.S. Court of Appeals for the Fourth Circuit, which including travelling with him to Richmond for oral arguments in the cases.
- (d) Partner, Simmons Law Firm, Columbia, SC, 2013-2018. I began with Simmons Law Firm as an associate attorney in 2013 and became an income partner at the firm in January 2017. My practice focused on representing individuals in complex civil cases and criminal matters. Given my varied practice, I appeared in federal and state courts throughout South Carolina, including Municipal Court, Magistrate Court, the Court of General Sessions, the Court of Common Pleas, and U.S. District Court. I assisted the firm's managing partner in handling the overall management of the firm, specifically with regard to day-to-day firm operations. Although I did not directly manage the firm's trust account, I was responsible for ensuring settlement and other client funds in my cases were properly deposited into, and appropriately paid from, the firm's trust account. This routinely required obtaining settlement approval from the Circuit Court in cases involving minors, incapacitated persons, and estates. I was also responsible for ensuring

that fees paid to me by the courts for appointed work were properly routed into the firm's operating account.

- (e) Assistant United States Attorney, Florence, SC, 2018-Present. As an Assistant United States Attorney, I prosecute cases on behalf of the United States of America in the U.S. District Court for the District of South Carolina. I began as a violent crimes prosecutor, and in that capacity have tried several cases as lead or co-lead counsel. I am currently the primary white collar prosecutor for the Pee Dee region. In addition to my duties as a prosecutor, I serve in two other critical capacities for the office. First, as Public Information Officer, I am responsible for managing media and public relations for the office. Second, as the district's Coronavirus Fraud Coordinator, I am responsible for overseeing a large team of federal and state agencies that responds both civilly and criminally to fraud, price gouging, and hoarding relating to the pandemic.
- (f) Civil Litigation Instructor, University of South Carolina's Paralegal Certification Program, Columbia, SC, 2011-Present. For almost a decade, I have been an instructor for aspiring paralegals. My seven-week course, Civil Litigation, walks students through the anatomy of a civil case, including pleadings, motions practice, discovery, trial, appeals, and collection. The course focuses on South Carolina practice, including the applicable Rules of Civil Procedure. On occasion, I have also taught the Introduction to Law and Legal Research and Writing courses. My course evaluations have been uniformly positive, and many of my students now have successful paralegal careers across the state of South Carolina.

**Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience *prior to serving on the bench.***

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.  
N/A
- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary

areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court judge within the past five years.

In the past five years, from a criminal perspective, I have handled numerous matters in Municipal Court, Magistrate Court, Circuit Court (including cases through the State Grand Jury), and the U.S. District Court. Until October 2018, my criminal defense practice was divided between federal court and state court, and the vast majority of my state court criminal practice was before Circuit Court judges, whom I approximate I appeared before dozens of times. I handled a variety of criminal cases, including cases where defendants had been charged with kidnapping, domestic violence, firearms offenses, drug trafficking and other drug-related crimes, fraud, and habeas matters which, while civil, require review of and challenges to state-imposed death sentences and an understanding of state post-conviction relief proceedings. Since October 2018, I have been a federal prosecutor and appear before the U.S. District Court on a weekly basis, if not several times per week. I have prosecuted all manner of crimes, including murder, bank robbery, tax fraud, wire fraud, money laundering, drug conspiracies, firearms offenses, and sexual assault. I have tried several of these cases, including a week-long bank robbery trial resulting in a guilty verdict and a federal capital trial lasting just over a month that resulted in a guilty verdict and capital sentence. Although I do not currently appear before Circuit Court judges, many of my cases originate at the state level and require me to work with the state criminal system as I prosecute my cases. My work as a prosecutor also requires substantial motions practice, which often involves research into, and examination of, South Carolina criminal law. Additionally, within the past year I observed portions of a General Sessions death penalty case before the Honorable Robert E. Hood.

The majority of my practice in the past five years has been civil. I appeared before a Circuit Judge regularly, in addition to routinely drafting motions and pleadings filed with the Circuit Court. I also appeared less frequently in federal civil matters before the U.S. District Court. I primarily represented plaintiffs in a variety of matters including catastrophic injury, medical malpractice, nursing home abuse, wrongful death, mass torts, and class actions. In these matters, I would typically shepherd the case through all phases. I briefed several appeals in these matters as well, though I did not argue any of these appeals. Very few of my cases were lost to summary judgment or other dispositive motions, and the overwhelming majority settled at mediation after extensive depositions, other discovery, and motions practice before the Circuit Court. In one case, for example, I co-led efforts to mediate a class-action settlement, and then led the efforts to get class certification approval. I also served as special counsel to the South Carolina Attorney General's Office in at least two matters representing the interests of the State against entities committing civil wrongdoing. One of those matters settled. The other matter went to trial and to the South Carolina Supreme

Court before I joined the firm handling the case. However, after the South Carolina Supreme Court ruled in favor of our client, the State, I co-wrote the Brief in Opposition to a Petition for Writ of Certiorari filed before the U.S. Supreme Court. As I was not a member of the U.S. Supreme Court Bar, I did not enter an appearance in the matter, but certiorari was denied on those briefs. On limited occasions, I would represent defendants. This usually involved a breach of contract or nuisance claim against a South Carolina business before a Circuit Court judge. In one instance, I defended the parents of a sexual assault victim who had been sued by the victim's alleged abuser. I secured dismissal under Rule 12(b)(6), SCRCP, and represented the parents on appeal where the South Carolina Court of Appeals affirmed the dismissal on the briefs and awarded defendants' costs. Looking back beyond five years, and to my time as an attorney at Nelson Mullins, I also handled substantial civil defense matters in federal courts and in the Circuit Court. Since becoming a prosecutor, I have represented the United States as a civil defendant in federal habeas claims brought pursuant to 28 U.S.C. § 2255 for ineffective assistance of counsel, generally securing dismissals in these matters by way of summary judgment motions. Additionally, as the office's Coronavirus Fraud Coordinator, I work on pandemic-related wrongdoings that sometimes require a civil, as opposed to criminal, response. Additionally, as a civil litigation instructor with the University of South Carolina's Paralegal Certification Program, I stay routinely abreast of civil practice in South Carolina.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.  
N/A
  - (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.  
N/A
12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: 40%
  - (b) state: 60%
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 55%
  - (b) criminal: 45%
  - (c) domestic: 0%
  - (d) other: 0%

14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 95%
  - (b) non-jury: 5%

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel?

I most often served as chief counsel, though on my largest and most important cases I tried to benefit from the experience of others and would serve as co-counsel.

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) South Carolina ex rel. McMaster v. Trilegiant Corp. and Affinion Group, Inc., No. 2010-CP-42-06686 (S.C. Ct. Common Pleas filed Dec. 20, 2010). In this case, the South Carolina Attorney General filed suit against the defendants, who were national corporations, alleging that their marketing practices violated South Carolina's Unfair Trade Practices Act. I represented the defendants in this case, which actually involved lawsuits across two separate judicial circuits here in South Carolina. With persistent negotiating, and expectation management on all sides of the case, the Attorney General's Office ultimately accepted a resolution that was acceptable to defendants, in which defendants admitted no wrongdoing and did not set a negative precedent in the multistate negotiations. The significance of this case is that it involved a direct action by the State alleging substantial violations against South Carolina which posed a considerable threat to the companies themselves.
  - (b) South Carolina ex rel. Wilson v. The McGraw-Hill Companies, Inc., and Standard & Poor's Fin. Servs., LLC, No. 2013-CP-40-00951 (S.C. Ct. Common Pleas filed March 3, 2013). Along with co-counsel, I represented the State of South Carolina as special counsel in this lawsuit stemming from conduct related to credit ratings made to mortgage-backed securities. The case was removed to federal court and ultimately remanded to the Court of Common Pleas after nearly a year of litigation. The case required weekly teleconferences with representatives for Attorneys General from nearly twenty states to coordinate national discovery and substantial motions practice, including a successful response in opposition to the defendants' motion to dismiss. More than two years after the case was filed, a representative of the Attorney General's Office and I secured approval of South Carolina's portion of a global settlement agreement wherein the Defendants admitted wrongdoing. This case is significant in its own right as it brought some measure of accountability to those who played a part in one of the worst financial crises in modern American history and provided some redress to the people of South Carolina. Personally, I had to handle nuanced issues of state law and procedural rules, work with attorneys to resolve difficult disputes, and manage sprawling and complex cases.
  - (c) Serena James v. Walter Blum, M.D. et al., No. 2015-CP-17-00082 (S.C. Ct. Common Pleas filed Feb. 23, 2015). I represented the plaintiff in this lawsuit alleging medical

malpractice against a number of physicians and medical facilities. The complaint alleged that, as a result of a misdiagnosis, the plaintiff underwent an unnecessary surgery, suffered sepsis, spent months in the hospital, and nearly died. There was nothing easy about this case. I had to procure multiple experts to speak about the respective areas of negligence and causation. This was difficult because the plaintiff's injuries had left her with a poor recollection of her initial visits, and there were inconsistencies in some of the initial medical records. Finding experts was further complicated by the fact that one of the defendants was a frequent and respected medical expert witness. There were even discussions about the possibility of not moving forward. However, we persevered. Over the next 16 months, I took or defended more than a dozen depositions across the country, reviewed thousands of pages of medical records from the plaintiff's months-long hospital stay, and drafted an untold amount of discovery. At a nearly nine-hour mediation, we resolved the case. Although I have litigated a number of medical malpractice cases, this case stands out because it affirmed I have good instincts about a case and I am able to overcome challenges as they arise.

- (d) Bobby Wayne Stone v. Stirling et al., No. 2:17-cv-01221 (D.S.C. filed March 31, 2017). I represented the petitioner, Bobby Wayne Stone, as part of a collateral attack of his State capital conviction. In 1997, Stone was convicted and sentenced in the Court of General Sessions. After nearly twenty years of appeals and post-conviction relief hearings, Stone filed a federal habeas action. In a somewhat unusual procedural move, Stone requested that his federal habeas counsel be the same attorneys who represented him in the PCR matter. Thus, the court appointed me as counsel to investigate the effectiveness of State PCR counsel. Nearly half of my law firm's library was filled with banker's boxes, which I spent months reviewing. I also hired a mental health expert, a forensic consultant, and a mitigation specialist. I was able to meet the Court's deadline and report that we uncovered evidence that Stone suffers from intellectual disability and that neither PCR nor trial counsel raised this issue. Based on my findings, Stone was able to file a subsequent PCR proceeding regarding his intellectual disability, and the court stayed the federal habeas matter. As of July 3, 2020, the successive PCR proceeding was still pending. This case is particularly relevant as it shows the federal court trusted my experience in criminal matters and ability to carefully interpret and follow South Carolina law.
- (e) United States v. Brandon Michael Council, No. 4:17-cr-00866-RBH (D.S.C. filed August 24, 2017, guilty verdict returned on Oct. 3, 2019, death sentence imposed on Oct. 7, 2019). I served as co-lead counsel on the prosecution team that tried a federal capital case and secured a death sentence. The defendant executed two bank employees in Conway, South Carolina, after a two-week crime spree from North Carolina to South Carolina involving two bank robberies and the robbery of a grocery store. I took lead on drafting motions, responses, and arguing motions in limine before the court. I was also lead for the jury selection process with attorney voir dire. More than 250 exhibits were admitted in the trial, and I personally directed or cross-examined more than a dozen witnesses who took the stand from both sides. The defense also raised competency issues in the midst of trial, requiring our team to consult experts, gather records, and quickly argue competency in less than 48 hours. Against difficult circumstances, our work resulted in a guilty verdict on both counts.



Significantly, this case emphasizes my ability to quickly digest complex matters while thoughtfully and deliberately accomplishing the mission. This case is currently on appeal, though no briefing order has been entered. I am currently the lead prosecutor for the appeal, though we anticipate additional support from the Department of Justice's appellate division once a briefing order is issued.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Paul Branco v. Hull Storey Retail, No. 2017-000998 (S.C. Ct. Appeals docketed April 21, 2017) (I briefed this appeal, but it is still pending decision as of July 17, 2020);
  - (b) Daniel Lee Davis v. ISCO Industries, Inc., No. 2018-000857 (S.C. Ct. Appeals docketed May 7, 2018) (I briefed this appeal, but it is still pending decision as of July 17, 2020);
  - (c) James Chaffin and Marietta Chaffin v. Richland County Sheriff's Department et al., No. 2015-001754 (S.C. Ct. Appeals Oct. 18, 2017) (unpublished).

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

I have a number of contested criminal appeals in which briefing is currently underway:

- (a) United States v. Lance Hardiman, No. 19-4407 (4th Cir. docketed June 6, 2019);
- (b) United States v. Rodrick Berklery, No. 19-4422 (4th Cir. docketed June 13, 2019);
- (c) United States v. Isaiah Miller, No. 20-6004 (4th Cir. docketed Jan. 2, 2020);
- (d) United States v. Timothy Gadson, No. 20-4092 (4th Cir. docketed Feb. 4, 2020);
- (e) United States v. Mecca Evans, No. 20-7017 (4th Cir. docketed July 13, 2020).

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

No.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

N/A

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) South Carolina, 2009;
- (b) U.S. District Court for the District of S.C., 2010;
- (c) U.S. Court of Appeals for the Fourth Circuit, 2010.

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

I have taught or presented at the following:

- (a) I gave a Coronavirus fraud update at the 2020 South Carolina Sheriff's Association Conference;
- (b) I co-led a panel discussion on ethics and new criminal discovery rules at the 2019 U.S. Probation Sentencing Guidelines CLE;
- (c) I demonstrated, and spoke about, jury selection and attorney-led voir dire in 2019 to Prof. Joel Samuel's Civil Procedure class at the University of South Carolina's School of Law;
- (d) I spoke about opening and closing arguments in 2018 to Dean Robert Wilcox's 1L Orientation Class at the University of South Carolina's School of Law;
- (e) I presented a presentation on white collar crimes and the pitfalls in representing governmental agencies in 2019 at a White Collar Crime CLE hosted by a Midlands law firm for lawyers representing governmental entities;
- (f) I delivered a presentation on defenses in sentencing at the Federal Public Defender's Spring 2018 CLE;
- (g) I moderated a panel discussion on ethical pitfalls in criminal representation at the federal public defender's Fall 2017 CLE;
- (h) I delivered a presentation on drug treatment programs at the federal public defender's Spring 2017 CLE;
- (i) I gave a lecture on writing and presenting before the court to Prof. Jan Baker's Legal Writing class in 2016 at the University of South Carolina's School of Law;
- (j) I spoke at resume drafting workshops for veterans in law school in 2010, 2011, 2012, 2014, and 2016;
- (k) I have given numerous internal presentations from 2010-2011 on electronic discovery while at Nelson Mullins;
- (l) As noted previously, I have taught civil litigation in the University of South Carolina's Paralegal Certification Program since 2011.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.  
Attached.

23. List all published books and articles you have written and give citations and the dates of publication for each.

- (a) What I Learned from My First Year as an AUSA, DOJ J. (publication scheduled for Sept. 2020) (co-author);
- (b) Dealing with Carriers under Medicare's More Watchful Eye, Trial, Sept. 2015, 36-41 (co-author);
- (c) Is the Fourth Circuit Starting to Hold Back?, 64 S.C. L. Rev. 1085, 85-99 (2013);
- (d) Metamorphosis of the Sentencing Landscape, Fed. Law., October 2010, at 62, 62-66 (contributing author);
- (e) Renting Your Law License Can Be Dangerous, S.C. Law., March 2010, at 34, 34-37 (contributing author);
- (f) Solving a Jurisdictional Puzzle: No Easy Way to Decipher South Carolina's Approach to Forum Selection Clauses, S.C. Law., May 2009, at 18, 18-23 (co-author);

- (g) Full Spectrum of Recent Product Decisions, Product Liability Conference, Defense Research Institute, April 2009 (co-author of Fourth Circuit, South Carolina, and West Virginia sections);
- (h) Bifurcation: A Powerful but Underutilized Tool in South Carolina Civil Litigation, 59 S.C. L. Rev. 433, 433–454 (2008).
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission’s use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
- (a) Dealing with Carriers under Medicare's More Watchful Eye, Trial, Sept. 2015, 36–41 (I co-wrote this article with fellow attorney John Simmons, writing the outline and the initial draft);
- (b) Proposed order in James Chaffin and Marietta Chaffin v. Richland County Sheriff's Department et al., No. 2014-CP-400-2209 (S.C. Ct. Comm. Pleas 2014) (I was the sole author of this proposed order).
25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- (a) Super Lawyers, Rising Star, 2018
- (b) Super Lawyers, Rising Star, 2017
26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) Florence County Bar, Member
- (b) Kershaw County Bar, 2019 President and 2018 President-Elect
- (c) Richland County Bar, Member
27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.
- (a) June 2014-October 2018, South Carolina Athletic Commission (Commissioner/Vice Chairman), gubernatorial appointment, I timely filed my report with the State Ethics Commission.
28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
- N/A

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.  
No.
30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.
- (a) Editor, the Sumter Item, Sumter, S.C., February 2006-August 2006 (worked as a copy editor and layout editor for the Clarendon and Sports sections);
  - (b) Military Analyst/Team Leader, General Dynamics Advanced Information Systems, Portsmouth, Va., June 2001-November 2005 (supervised five-member communications team that handled public relations for military concept development);
  - (c) Sergeant, United States Marine Corps, MCAS Beaufort, S.C./26th Marine Expeditionary Unit/MCAS New River, June 1997-June 2001 (served as a combat correspondent across the East Coast and throughout the Mediterranean region).
31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
- (a) I am one of four members of a limited liability company, VBS, LLC, which began in 2019 for the purpose of purchasing and selling real estate.
32. Are you now or have you ever been employed as a “lobbyist,” as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a “lobbyist’s principal,” as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.  
No.
33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
  - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

**NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.**

A complete, current financial net worth statement was provided to the Commission.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.  
No.
35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.  
No.
36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?  
(a) Less than \$20 on postage and printing.
37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.  
(a) Laurie S. Funderburk, \$250, November 6, 2018.
38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.  
No.
39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

I am aware of no potential conflict of interest. However, if a potential conflict of interest presented itself, I would immediately disclose that to JMSC staff were I still a candidate.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
  - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
  - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;

- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

N/A

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

N/A

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

N/A

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

N/A

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

I was issued a ticket for reckless driving.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.  
No.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.  
N/A

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.  
No.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.  
No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No. I have had several friends offer assistance when appropriate, and I have introduced myself to members of the General Assembly.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

(a) Peter M. McCoy, Jr., [REDACTED]

(b) Mark McLawhorn, [REDACTED]

(c) Bethany Vause, [REDACTED]

(d) Bill Nettles, [REDACTED]

(e) Tom Mullikin, [REDACTED]

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

I am on some of these platforms but am not an active user.

If so, please list the account names for each account and the relevant platform.

(a) Facebook: Derek A. Shoemake

(b) Twitter: @derekshoemake and @DerekAShoemake

(c) LinkedIn: Derek A. Shoemake

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I am extremely careful with what I share on social media so I do not believe my use of social media would be affected, other than that I would likely use it even less than I do now, which is rarely.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

(a) Member, Union Baptist Church;

(b) Recipient, U.S. Attorney's Special Act Award for Excellent Performance (May 2019, September 2019, May 2020);



- (c) Board Member and Strategic Committee Chair, Lutheran Services Carolinas (term ended September 2018);
- (d) Member, South Carolina Association for Justice (resigned September 2018);
- (e) Member, U.S. Magistrate Reappointment Committee (2018);
- (f) Awarded five Navy and Marine Corps Achievement Medals during military service.

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I grew up in a family with limited means but ample kindness and love, and they taught me the values that have become my life's bedrock. I learned the importance of hard work. I enlisted in the U.S. Marine Corps at 18 years old so that I could serve my country, I worked full time as a defense contractor and earned a bachelor's degree after three years of full-time night school, and I graduated from law school with honors in spite of a busy schedule that included helping my wife raise our two children who were born in my first two years of school.

I learned the importance of being deliberate and mindful. As I saw firsthand as a young Marine, the world is full of different people from different backgrounds with different experiences, and they each want and deserve to be heard and respected. As a lawyer, I have seen this—standing in the courtroom alongside the injured woman hoping to find a way back to normal, the officer protecting his community, the executive defending her company's reputation, and the accused fearful of losing years of his life.

I learned the importance of integrity and fairness. As Vice Chairman of the South Carolina Athletic Commission, I would often deal with competing interests about a particular issue and did my best to ensure that the same standards were applied in the same way to everyone before us. In my practice, I have defended those sentenced to capital punishment and sought capital punishment as a prosecutor. None of these cases were easy, nor should they have been, but they demanded a fair and direct application of the law. If I have the fortune of earning the honor of serving as a judge on the Circuit Court, I believe my life has prepared me to be a jurist who is capable, thoughtful, and just.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Notary Signature)

\_\_\_\_\_  
(Notary Printed Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_