



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

Circuit Court
(New Candidate)

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1. Why do you want to serve as a Circuit Court judge?

We South Carolinians are uniquely independent. Having spent my legal career on every side of the courtroom, I have seen firsthand the critical role Circuit Judges play in ensuring that every person and business in South Carolina is afforded the freedoms we all hold sacrosanct. This is no easy task. It requires knowledge of various areas of substantive law; hard work; deep integrity; and a steady, thoughtful demeanor. I believe my varied experiences will help me meet this challenge and serve the Circuit Court well. I have defended the accused, litigated for the injured, represented businesses large and small, and prosecuted criminals. I have worked tirelessly in the pursuit of doing the right thing, from my time in the U.S. Marine Corps through my career as a lawyer. I approach all my cases with deliberate intensity and am always an honest broker with opposing counsel. I am fortunate to have found a career path that has allowed me to be of useful service and help others. I would be honored to bring this experience to the Circuit Court.

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

Yes.

3. Do you have any plans to return to private practice one day?

No.

4. Have you met the Constitutional 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?

Judges should not initiate, permit, or consider *ex parte* communications barring some unique exceptions. Those limited exceptions would include emergencies that do not deal with substantive matters and when the law itself might require, such as when a party in a civil case seeks a temporary restraining order under Rule 65(b), SCRCP.

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?

As a threshold matter, all judges should discharge their responsibilities without bias, but must also avoid the appearance of impropriety, *i.e.*, whether the alleged conduct would create in reasonable minds a perception that the judge could not be impartial or was biased. While it is impossible to state what I would do in a specific case without the factual context, I would certainly give substantial thought and consideration to the moving party's request. The focus of my consideration would be not only on actual prejudice but also on how the conduct at issue would appear to reasonable minds. If, as the question appears to posit, the conduct had the appearance of impropriety, then recusal would likely be appropriate; and it would be required if personal bias were actually present.

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

Assuming no party had made a motion or otherwise brought this to my attention, I would first disclose the issue on the record. The next steps would depend on whether personal bias or prejudice were present. If so, recusal would likely be appropriate. If the disqualification were based solely on the basis of social or financial involvement, then depending on the nature of the involvement, I would consider allowing the parties to waive the disqualification outside of my presence and without my participation.

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

Judges may accept small gifts in very limited circumstances, including those incident to certain public testimonials, gifts from relatives or close friends, and those that are part of ordinary social hospitality. However, I would endeavor not to accept any gifts outside of those from close relatives and would never accept any gifts that are not expressly listed as permissible under Canon 4 of the South Carolina Code of Judicial Conduct.

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?

As to a fellow judge, in the event I had knowledge of misconduct or infirmity that raised a substantial question as to that judge's fitness for office, I would inform the appropriate authorities, which could include the Commission on Judicial Conduct. As to a lawyer, in the event I had knowledge of misconduct or infirmity that raised a question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer, I would inform the appropriate authorities, which could include the Office of Disciplinary Council. In other instances where I lacked knowledge but had information indicating a substantial likelihood of misconduct or infirmity, I would take appropriate action which could include direct communication with the judge or lawyer.

10. 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.

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

As a former board member of Lutheran Services Carolinas, I assisted in several fundraising campaigns to further the work here in South Carolina, which included foster services and assistance for homeless veterans. However, I resigned from the board when I became a prosecutor and no longer engage in any fund-raising activities of any kind.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

13. If elected, how would you handle the drafting of orders?

Written orders are critical in allowing parties and the appellate court to understand the court's reasoning based on the record in the case. I would endeavor to draft my own orders, and, if necessary, I would request proposed orders from both parties and review and edit those carefully.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would ensure, first, that deadlines were set and calendared once an issue was briefed or arguments heard. Second, I would have weekly meetings, or twice monthly meetings, during which my staff and I would take time to review the upcoming items that were due. I would encourage my staff to devote some amount of time per day, or week, to working on projects that are not immediately due as this will help us avoid the practice of spending our days only putting out the most urgent fires. I would also spend a great deal of time talking to more experienced judges about practices and methods that have worked for them.

15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

Judges should, and are required, to be apolitical and act in a manner befitting the dignity appropriate to the office and to ensure those actions are consistent with an independent judiciary. I would adhere to these rules and limit my activity from the bench to honest and impartial handling of the cases before me based on the Constitution and the applicable law as passed by the General Assembly.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

Teaching or offering presentations on legal topics is a way to increase knowledge about legal issues and, thus, improve the legal system. I currently teach Civil Litigation with the University of South Carolina's Paralegal Certification Program, and I would seek other opportunities to teach. I would also study judicial models in similarly-situated jurisdictions and study methods that may improve the legal system here in South Carolina.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

All new positions require adjustments, but my family and I have been successful thus far adjusting to life's many changes and challenges. I would continue to keep an open line of communication with my wife, children, and friends to discuss ways we can all help each other through our respective stresses as they arise.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for

these classes of offenders.

- a. Repeat offenders: Every crime and every defendant is unique, so I would first examine the prior offenses compared to the current offense. An offender who is guilty of shoplifting who committed a violent felony 20 years before presents a different circumstance than an offender guilty of kidnapping who was recently released from prison for assault and battery of a high and aggravated nature. As a general rule, however, punishments should be more severe for those who show a pattern of disregarding the law because, ultimately, those who refuse to adhere to the rule of law pose a substantial danger to the public.
- b. Juveniles (that have been waived to the Circuit Court): A tender age is certainly something that can, and has, been taken into account by Circuit Judges in imposing a sentence. Yet, those cases where juveniles find their way into Circuit Court are generally quite serious. In these types of cases, understanding the context and motivation behind the crime is critical because the offender is likely at a crossroads and your decision will effectively define the beginning, if not the entirety, of their adult life. I would strive for a sentence that affords the greatest possibility of a productive adult life, while understanding that a heavy sentence may nonetheless be necessary.
- c. White collar criminals: That a crime may not be violent does not mean it is not serious. The victims of white collar crime suffer substantial harm, and in many cases financial recovery can take longer than physical recovery. Additionally, white collar crimes are rarely born from spontaneity; they come by way of planning and a specific intent to deprive someone of valuable property. In sentencing a white collar offender, I would focus less on the category of crime and treat the offender like others that appear before me and look at the facts and circumstances surrounding the offense, including the amount of any money that was stolen.
- d. Defendants with a socially and/or economically disadvantaged background: Unless a particular sentence is mandated by statute, a defendant's background is relevant but should not be dispositive one way or another. The nature of the disadvantage would have to be weighed in concert with the seriousness of the underlying crime.
- e. Elderly defendants or those with some infirmity: As a threshold matter, if I had any concern the infirmity went to the defendant's competency to stand trial, a competency hearing pursuant to State

vs. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) may be appropriate. Otherwise, whether the offense involved victims or violent activity would play a large role in how mitigating the infirmity might be to the charge at hand.

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

No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Although I am mindful that a *de minimis* financial interest does not mandate disqualification, I would first disclose the specifics of the matter to the lawyers, on the record, and seek their opinions on how they and their clients wished to proceed. If they wished for me to continue with the case, I would ensure that the record was clear as to the *de minimis* nature and that it would not impact my ability to be impartial. If either party objected, I would give them the opportunity to argue their positions and consider those arguments in light of Canon 4 of the South Carolina Code of Judicial Conduct.

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?

A judge's demeanor should be dignified, civil, and thoughtful. The Judge's Oath, if not the Attorney's Oath, requires as much. A judge should keep this demeanor at all times, as they are recognized officials and are thus representatives of the bench even when they are not in the courtroom.

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 pro se litigants?

In short, no. Judges must be patient and courteous to litigants, lawyers, and others. This does not mean a serious warning may not be called for, but a judge should remain in control of their emotions. It is difficult to conceive a scenario where anger or volatility, especially from the bench, does anything but strike a blow to the fairness of a proceeding or the judge's appearance

of 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 _____, 2020.

(Signature)

(Print Name)
Notary Public for South Carolina
My Commission Expires: _____