



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

**Circuit Court**  
**(New Candidate)**

Full Name: Derrick Eugene Mobley

Business Address: 811 S. Lake Drive, Lexington SC 29071

Business Telephone: (803) 951-3847

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

2.

I have successfully built a law office from the ground up through hard work, determination, perseverance, skill and intestinal fortitude. The foundation of any successful practice is the ability to effectively communicate, advocate, litigate, and demonstrate excellence with the practice of law. It is now time to lend these acquired professional characteristics to the citizens of South Carolina as a Circuit Court Judge. I feel that my legal training, experience and knowledge (personal and professional) that I have obtained through the years as a former Assistant Solicitor, Criminal Defense Attorney, Plaintiff's Personal Injury Attorney and Municipal Court Judge will serve the citizens of South Carolina very well. It is my desire to provide the citizens of South Carolina with the confidence, trust and comfort of knowing that the doors of the courthouse are open to all; and all that enter will be treated with courtesy, respect and fairness. I believe that I will make an excellent complimentary addition to an already exceptional Circuit Court judiciary.

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

(a). Yes.

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

(a). No.

5. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

(a). Yes.

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

(a). I believe ex parte communications should be avoided unless said communications falls within the narrow exceptions identified in Canon 3(B)(7)(a)-(e). A conscientious effort to adhere to Judicial Canon 3 and its subparts will continue to promote a healthy public confidence in the impropriety of the judiciary.

7. 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). In this instance, the judge's impartiality can reasonably be questioned because of perceived bias; therefore, I would grant the motion and recuse myself in accordance with Canon 3(E)(1), Rule 501, SCACR.

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

(a). Pursuant to the standards set forth in Canon 3(E), Rule 501, SCACR, I would examine the facts and circumstances of the situation. Should the review reveal a spouse or close relative's actions give rise to an appearance of impropriety, then I would disqualify myself from presiding over any matter involving the two parties.

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

(a). In accordance with Canon 4(D)(5), Rule 501, SCACR, I did not accept gifts or social hospitality as a part-time Municipal Court Judge, nor will I accept gifts or social hospitality as an elected Circuit Court Judge.

10. 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?

(a). First, I would gather as much information as possible regarding the situation. Should the information rise to the level of indicating a "substantial likelihood" that a violation has occurred, then I would "communicate with the judge or lawyer who has committed the violation" my concerns and suggest that he/she self-report. Canon 3(D), Commentary. Should I have "knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer..." I would report he/she to the appropriate authority. Canon 3(D)(2), Rule 501, SCACR.

I would follow the guidance of Canon 3(G), Rule 501, SCACR regarding the Infirmity of a fellow lawyer or judge. As such, first I would attempt politely address he/she in private and directly to make a referral to an assistance program designed to address the problem, address his/her supervisor in a confidential manner or report to the appropriate authority.

11. 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.

(a). No. I am not a member of any such organization or association. Canon 2(C), Rule 501, SCACR.

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

(a). No.

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

(a). No.

14. If elected, how would you handle the drafting of orders?
- (a). I would request proposed orders from the litigants, direct my law clerk to review and research said proposals, then draft my own orders according to my rulings and research.
15. If elected, what methods would you use to ensure that you and your staff meet deadlines?
- (a). I would prioritize calendaring, setting deadlines of completion, use of task trackers, and closely monitor status and due dates. My staff would be trained in organizational structure and time management.
16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
- (a). I do not believe in “judicial activism.” At a Circuit Court level, it is the judge’s duty to apply the law as written. Litigants can appeal any ruling regarding the law to an appellate court should he/she feel the law was applied incorrectly or erroneously. It is the job of the legislature to enact laws that reflects public policy, not the judiciary.
17. 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?
- (a). I would volunteer my time to speak to high school students that are interested in attending law school. Additionally, I would like to teach a trial advocacy class at a law school or moderate a Continuing Legal Education class.
18. 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?
- (a). I do not feel that serving as a judge would strain personal relationships. When I was appointed as a part-time Municipal Court Judge, I immediately advised my family of the pressure and restrictions that come along with the position. My family and friends were observant to my circumstances and understood their boundaries.

I did not experience any pressure while serving as a judge previously; nor do I anticipate experiencing any should I be elected to the Circuit Court.

19. 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:
    - 1). Although every defendant is shown courtesy by the court, the Court recognizes a repeat offender a willful bad decision maker that no longer is afforded the same courtesies of a "first offender" mistake. As such, my philosophy would be to give less "grace" to the offender and sentence within the statutory guidelines according to all facts, mitigating factors and severity of the offense. The Court will watch closely how the offender accepts responsibility for his/her actions, remorse and accountability.
  - b. Juveniles (that have been waived to the Circuit Court):
    - 1). My philosophy on sentencing a juvenile is one of future deterrence, rehabilitation, and correction.
  - c. White collar criminals:
    - 1). I would listen to the allegations, severity of the crime committed, any potential victims, reasoning of defendant for his/her actions and likelihood to re-offend. Then, I would sentence according to the applicable laws as written.
  - d. Defendants with a socially and/or economically disadvantaged background:
    - 1). I will sentence according to the severity of the crime, mitigating factors, prior criminal history, victim input (if applicable) and statutory parameters without regard to their socially or economically disadvantaged background. They will be sentenced fairly and just as all prior defendants were treated before them.

e. Elderly defendants or those with some infirmity:

1). I will sentence according to the severity of the crime, mitigating factors, prior criminal history, victim input (if applicable) and statutory parameters. Advancing age or infirmity will be mitigating factors. He/she will be sentenced fairly and just as all prior defendants were treated before them.

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

(a). No.

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

(a). No. I would disqualify myself as my "impartiality might reasonably be questioned..." Canon 3(E)(1), Rule 501, SCACR.

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

(a). Yes.

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

(a). A judge should be honest, patient, courteous and respectful to others at all times. He/she should conduct themselves in such a way that maintains the integrity of the judiciary.

24. 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?

(a) It is never appropriate to display anger with a member of the public or criminal defendant. A judge's role is fair and impartial justice; not to belittle, demean or be condescending towards a member of the public or criminal defendant. Having a stern and/or firm demeanor with criminal defendants, attorneys or pro se litigants should never cross into the perception of anger by any of the parties. One of the many roles of a judge is to maintain order in his/her courtroom... that includes the ability to maintain self-control over their demeanor.

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: \_\_\_\_\_