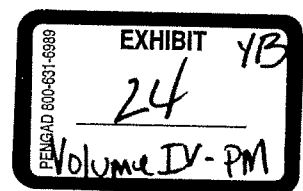


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES**

1. NAME: Berry L. Mobley
 BUSINESS ADDRESS: P. O. Box 279
 Lancaster, SC 29721
 211 Dunlop Street
 Lancaster, SC 29720
 BUSINESS NUMBER: (803) 286-6212
 E-MAIL ADDRESS: bmobleyj@sccourts.org
2. Date: 1932
 Place of Birth: Heath Springs, SC (Lancaster County)
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.
5. Family Status: Married on February 8, 1963, to Elizabeth E. Mobley. Never divorced. Two children.
6. Briefly describe your continuing legal or judicial education since your last screening. Include **only** the title and date of any continuing legal or judicial education course completed.
- | <u>Conference/CLE Name</u> | <u>Date</u> |
|--|-------------|
| (a) SC Bar Convention Family Law Session | 1-21-05; |
| (b) Family Court Judges Conference | 4-27-05; |
| (c) Annual Judicial Conference | 8-24-05; |
| (d) SC Family Court Bench Bar | 12-2-05; |
| (e) SC Bar Convention Family Law Session | 1-27-06; |
| (f) Family Court Judges Conference | 4-26-06; |
| (g) Mini Summit on Justice for Children | 8-22-06; |
| (h) Annual Judicial Conference | 8-23-06; |
| (i) SC Family Court Bench Bar | 12-1-06; |
| (j) Family Court Procedural | 12-14-06; |
| (k) SC Bar Convention Family Law Session | 1-26-07; |
| (l) Family Court Judges Conference | 4-25-07; |
| (m) SC Bar Convention Family Law Session | 1-25-08; |
| (n) Annual Judicial Conference | 8-20-08. |
7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary?
 Yes. The South Carolina Supreme Court modified the rules to allow Active/Retired Judges to do mediation and I have served as a mediator in a number of cases in 2006 and 2007.
8. List your positions of employment on and/or appointment to the bench



chronologically. You are not required to list dates of employment or appointment prior to your last screening. None other than as Family Court Judge.

9. 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. No.
10. A complete, current financial net worth statement was provided to the Commission.
11. Since your last screening, have you 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? No.
12. Since your last screening, have you, to your knowledge, been under federal, state, or local investigation for possible violation of a criminal statute? No.
13. Since your last screening, has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? Since your last screening, have you defaulted on a student loan? Since your last screening, have you filed for bankruptcy? No.
14. Since your last screening, have you been sued, either personally or professionally? No.
15. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed such misconduct? No.
16. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench? No.
17. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals. I have not accepted any of the above from any attorney, group of attorneys or from other individuals who appear before me. I have no problem going to lunch, dinner or accepting normal social hospitality from attorneys where there is no impropriety or the appearance of impropriety, and there is no action pending before me involving the attorney.
18. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? No.
19. Provide any other information which 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.
 - (a) I have been a lawyer since 1964, and a Family Court Judge since 1982 and have not been sanctioned by any group;
 - (b) I have been very active in JCLE programs and other schools for

Judges;

- (c) I keep abreast of the current law and decisions by the South Carolina Supreme Court and the South Carolina Court of Appeals. I review the Code of Laws passed by the General Assembly.
20. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received, by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.
- (a) Retirement Benefits \$108,619.00;
 - (b) Wages as Family Court Judge \$ 5,053.00;
 - (c) Travel and per diem as a Judge \$ 6,098.82;
 - (d) My wife does not receive any income from South Carolina state or local entities.
21. 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; None;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or None;
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina. None.
- 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.
- None to a, b & c.
22. 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. None.

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

S/Berry L. Mobley

Date: 09/11/08

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

Retired Judge

Full Name: Berry L. Mobley
Business Address: P. O. Box 279, Lancaster, SC 29721
211 Dunlop Street, Lancaster, SC 29720
Business Telephone: 803-286-6212

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

Yes

Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes

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

No

4. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator?

Yes. Mediation as permitted by a change in the Rules.

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

No

6. Do you belong to any organizations that discriminate based on race, religion, or gender?

No

7. Have you engaged in any partisan political activity since your retirement?

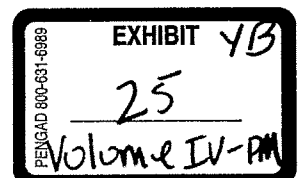
No

8. What do you feel is the appropriate demeanor for a judge?

There are three things that every Judge should have: Patience - Patience and Patience. I feel that every Judge should treat every person involved in the Judicial System in a manner that should uphold the dignity of the Judicial system. Every person should be treated with dignity and respect.

9. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met?

I have a system which includes a note sheet for each case which is signed off when the order is signed. Judge Goldsmith and the Chief Justice allow Judge Goldsmith's Administrative Assistant to assist me in keeping up with the note sheets and orders.



10. 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?
No
11. How would you handle a situation in which you became aware of misconduct of a lawyer or fellow judge?
Under the Rules of Professional Conduct, a Judge is required to report the misconduct to the appropriate committee.
12. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law clerks are to appear before you?
I do not have law clerks.
I treat lawyer-legislators in the same manner as I do other lawyers.
If there is a conflict, I would not hear the case.
13. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Ex parte communications are prohibited except in administrative matters and when parties are seeking *ex parte* orders.
14. 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?
Yes
15. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I have not accepted any gifts or social hospitality from any litigant. I have no problem with going to lunch or dinner and accepting normal social hospitality from attorneys or other individuals where there is no impropriety or the appearance of impropriety and there is no action before me or about to be before me involving the attorneys or other individuals.
16. In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator?
None

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

s/Berry L. Mobley

Sworn to before me this 11th day of September, 2008.