



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

Circuit Court
(New Candidate)

Full Name: Marvin H Dukes III

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

I have served as Beaufort County Master-in-Equity and Special Circuit Judge for Beaufort County for 12 years. Prior to my judicial service, I practiced law for 20 years. I believe that those experiences have allowed me to develop the experience, skills, knowledge and temperament to excel as an At-Large Circuit Court Judge.

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?

Ex-parte communications are only allowed under the rules in certain

circumstances such as scheduling or properly filed temporary restraining Orders. Otherwise, ex-parte communications are forbidden.

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?

The public's confidence in the impartiality of the Judiciary allows our Court system to function. I would (and have in the past) recused myself where that public perception could be threatened. The public's perception of the Court's impartiality is paramount. If even the appearance of bias existed, recusal would be appropriate.

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

These are clear cases requiring recusal.

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

I accept limited social hospitality, such as the occasional party or gathering, but never gifts.

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?

I have reported such incidents in the past and would continue to do so.

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.

I am a member of the Jean Ribaut Society, (the local debutante society) only because I have a teenage daughter. I understand that only females are eligible to be debutantes.

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

No

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

I own passive investment income producing Real estate, which is professionally managed. My involvement in that endeavor would continue and I would recuse myself if any conflict arose.

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

Depending on the complexity of the case, I draft the order myself, ask for competing draft orders, or ask for a draft order from the prevailing side (with copies to the opposition). I then ordinarily modify any attorney-drafted proposed orders to my liking and then sign.

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

I would use computer scheduling methods.

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

Circuit Judges have no role in “judicial activism” and are sworn to follow the law, not to make it.

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?

I have always participated in lecturing at CLEs and hosting JOE (Judicial Observation and Experience) interns. I would continue in those efforts.

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?

I have been Master-in-Equity for Beaufort County for 12 years. I do not believe that the change to Circuit Court would be a hardship.

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.

Recognizing that each case must be judged on its own and that generalities are to be avoided, I offer the following answers:

a. Repeat offenders:

I believe that repeat offenders should be subjected to increased penalties.

b. Juveniles (that have been waived to the Circuit Court):

In the case of juvenile sentencing, the Court should consider a juvenile offender's background, family, education and youth, as recognized in the Byars decision.

c. White collar criminals:

White collar criminals should be required to make full restitution and should be sentenced in such a way as to make restitution a condition of release from incarceration.

d. Defendants with a socially and/or economically disadvantaged background:

Where it is available, the Court should explore education opportunities, vocational rehabilitation and drug treatment.

e. Elderly defendants or those with some infirmity:

I believe that the Court should take into account the expense and difficulty of housing and caring for elderly or infirm Defendants, particularly those who pose no danger to the public.

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?

No

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 should be firm but pleasant, patient, confident, open-minded and dignified. These rules always apply.

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?

No and No

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 _____, 2019.

(Signature)

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