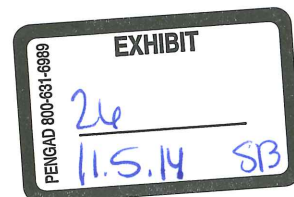


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Master-in-Equity, Beaufort County

1. NAME: The Honorable Marvin H. Dukes III
BUSINESS ADDRESS: Office of the Master-in-Equity
Post Office Drawer 1228
Beaufort, SC, 29901
TELEPHONE NUMBER: (office): 843-255-5710
2. Date of Birth: 1961
Place of Birth: Beaufort, SC
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 May 16, 1992, to Laura Campbell Dukes. Never divorced, one child.
6. Have you served in the military? No.
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) Graduate of Washington and Lee University, Lexington, Va. Attended from September 1980 until graduation in May of 1984, with a B.A. in Economics;
 - (b) Graduate of the USC School of Law. Attended from September 1984 until graduation in June of 1987 with a Juris Doctor.
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
SC, 1987. I have taken and passed one bar exam, the SC bar in 1987.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

| <u>Conference/CLE Name</u> | <u>Date</u> |
|-------------------------------------|-------------|
| (a) Circuit Judges Conf | 3/24/2014; |
| (b) Master-in-Equity Bench/Bar | 10/11/2013; |
| (c) HHBA CLE | 9/27/2013; |
| (d) 2013 Annual Judicial Conf. | 8/21/2013; |
| (e) SC Foreclosure Law | 6/28/2013; |
| (f) Spring Conference CLE | 5/01/2013; |
| (g) Master-in-Equity Bench/Bar | 10/12/2012; |
| (h) 2012 Annual Judicial Conference | 8/22/2012; |
| (i) Annual Circuit Judges Conf. | 5/02/2012; |
| (j) Master-in-Equity Bench/Bar | 10/14/2011 |



- (k) 2011 Annual Judicial Conference 8/17/2011;
 - (l) Master-in-Equity Bench/Bar 10/14/2011;
 - (m) 2010 Annual Judicial Conference 8/18/2010;
 - (n) Master-in-Equity Bench/Bar 10/08/2010;
 - (o) Make up CLE for MIE Bench/Bar 12/29/2010;
 - (p) 2009 Annual Judicial Conference 08/19/2009;
 - (q) Master-in-Equity Bench/Bar 10/09/2009;
 - (r) 2008 Judicial Conference 08/20/2008.
11. 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.
- (a) I have taught domestic litigation and other subjects at the Technical College of the Lowcountry;
 - (b) I have spoken to visiting student groups about the judiciary and the branches of government;
 - (c) I have participated in the Judicial Observation and Experience program, which is a law school mentoring program;
 - (d) I have spoken at several CLEs.
12. List all published books and articles you have written and give citations and the dates of publication for each.
13. 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) Admitted to practice before the State Courts of SC in 1987;
 - (b) Also previously admitted to practice before the Federal District Court.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- Upon graduation and admission to the bar in 1987, I was employed by the firm of Dowling, Sanders, Dukes, Williams and Svalina in Beaufort, SC. This firm changed in name and character a number of times over the years, finally dissolving in about the year 2000 (The name at that time was Dukes, Williams and Infinger), after which the remaining partners (including myself) opened individual P.A's and LLCs. In my twenty years of practice prior to becoming Master, I worked in a primarily civil and domestic general practice with some criminal and contract work. In my early years of practice, I handled all of the criminal appointments for all of the attorneys in our small firm. Later, I transitioned into a primarily civil and domestic practice. During my career, I have handled a wide variety of cases, many with complex issues. My career experience includes virtually all aspects of litigation from mediation through the appellate level.
15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- Martindale BV.
16. What was the frequency of your court appearances during the past five years?
- (a) federal: none;

- (b) state: two to three days a week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
- (a) civil: 20%;
- (b) criminal: 5%;
- (c) domestic: 70%;
- (d) other: 5%.
18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 5%;
- (b) non-jury: 95%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel.
19. 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) Taylor, Cotton & Ridley, Inc. v. Okatie Hotel Group, LLC, 372 S.C. 89, 641 S.E.2d 459 (S.C.App. 2007). This was a very complex case involving a substantial mechanics lien, with several novel issues of set-off and cross-claim involving liquidated damages claims, materials shortages, interest disputes and a mold issue. The case originated in the year 2000, but due to the extensive testimony, the number of motions and finally the appeal, did not finally conclude until after the Appellate Court's ruling cited above. I was sole trial counsel. I assisted in the appeal;
- (b) KJL v. LER, et al. (99-DR-07- 750) This was an very unusual Family Court case in which I was hired by the State of Ohio department of Insurance to preserve a multi-million dollar claim of the department in the disputed marital holdings of the Family Court litigants. The case involved a mix of Family Court and civil issues including Statute of Elizabeth claims;
- (c) TMR v PMR (04-DR-07- 659) This was a divorce case in which the parties had been employed in the entertainment industry. It had a number of interesting valuation issues;
- (d) JO v WBO (2005-DR-07-699) This was a physician divorce case involving health issues which allegedly rendered the supporting spouse unable to assist in ongoing support;
- (e) PAH v. LEH (94-DR-07-0211) This was a complex equitable division case involving co-mingling of non-marital assets and property in the US virgin Islands. Ultimately it was successfully appealed (327 S.C. 360, 489 S.E.2d 212).
20. 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) Miller v. Miller, 92-DR-07-2005;
- (b) Warner Advertising v. The Cabral Company, 92-CP-07-1520;
- (c) Upchurch Timber v. SouthEast Timberlands, 92-CP-07-272;
- (d) SC Federal Savings Bank v. Atlantic Land Title, et al., 91-CP-07-853 (314 S.C. 292, 442 S.E. (2d) 630).

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
22. Have you ever held judicial office?
I have served as Beaufort County Master-in-Equity from June 2007 to present. Additionally, during my tenure as Master and pursuant to Order of the Chief Justice, I have served as Special Circuit Judge for Beaufort County.
23. If the answer to question 22 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.
- (a) Town of Hilton Head Island v. Kigre, Inc. Appellate Case No. 2012-213239 No. 27396 Supreme Court of SC June 4, 2014;
 - (b) Estate of Tenney v. SC Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (S.C. 2011);
 - (c) Beaufort County School Dist. v. United Nat. Ins. Co., 392 S.C. 506, 709 S.E.2d 85 (S.C.App. 2011);
 - (d) Wachovia Bank, N.A. v. Coffey, 389 S.C. 68, 698 S.E.2d 244 (S.C.App. 2010);
 - (e) King v. James, 388 S.C. 16, 694 S.E.2d 35 (S.C.App. 2010).
24. Have you ever held public office other than judicial office?
I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999. I was an elected member of Beaufort County Council from 1999 until 2002. During my tenure on council I served as Vice-Chairman of the Council (1999-2002) and was Chairman of the Planning and School District Liaison committees. I also served as a member of a number of other committees including the finance committee. In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission. I believe that I timely filed all reports.
25. 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.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- (a) In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench;
 - (b) In 2002, I was defeated in a primary race for SC House seat 124;
 - (c) In 2013, I was an unsuccessful candidate for an At-Large Circuit Judge seat.
27. 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?
I have residential rental property, which is managed by a professional management company. The properties are owned in the name of LLCs, of which I am the sole managing member/owner. They are passive investments in which I have no day-to-day control or responsibility.
28. Are you now an officer or director or involved in the management of any business enterprise? Please see #27, above.
29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest.

I would recuse myself from any cases involving current or past financial arrangements or business relationships.

31. 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? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law.

In about 1996, I was named a defendant in a case where another attorney's client sued both me and his attorney, alleging an error in the disbursement of funds to my client. The other attorney was not insured and my carrier settled the case for a relatively small amount. In about 2000, one of my former law partners named me and other partners in an action related to his claim that he was not being provided regular copies of records. This matter was settled the day it was filed.

In June of 2014, I was named in my capacity as Master-in-Equity by a foreclosure Defendant (Grant) as a Defendant in a Federal Court case (1:14-cv-01091-JDB). The matter was dismissed by the Court within days of being filed.

On July 23, 2014, the same Plaintiff (Grant) filed suit (2014-CP-07-1769) in State Court against me (in my capacity as Master-in-Equity) and a number of other Defendants. Again the suit is related to the same recent foreclosure. As of this writing, it remains pending.

On August, 1 2014, Plaintiff Hays filed suit (2014-CP-07-1846) in State Court against me (in my capacity as Master-in-Equity) and a number of other Defendants. Again the suit is related to a recent foreclosure and contains language and allegations virtually identical to those in 2014-CP-07-1769. As of this writing, it remains pending.

36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance?

I was insured during every year of my private practice. I believe that my last insurer, the General Agency, extends tail policy coverage to those clients who enter the judiciary.

38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

I am not active on, or a member of, any social media or an internet site.

39. 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)? No.

40. 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?
No.
41. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
42. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
43. 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. None.
44. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
45. 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? 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? None.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
48. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
49. 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) SC Bar Association;
(b) Master-in-Equity Association (president 2012).
50. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
(a) Beaufort Yacht and Sailing Club;
(b) Jean Ribaut Society.
51. 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 am the oldest of three brothers. Our parents emphasized the value of hard work, fairness, honesty and the golden rule. I practiced law for twenty years with the philosophy that following the core values our parents taught to us can never be wrong. In my legal career, I did my best to solve problems and seek fair and just outcomes of disputes.

I have run a successful small law firm and I know the burden and the satisfaction of small business ownership, including making payroll and regulatory compliance. I have developed and redeveloped properties and understand and appreciate the difficulties and rewards of such endeavors.

I have served in public office as a County Council vice-chairman, a position that included serving on a number of committees on almost every government related subject.

I have sued and been sued and understand personally the value of a fair and just judicial system.

As Master-in-Equity I have done my best to live by the core values that have served me well in the past. I believe that due process is a combination of those values. Because I believe that a settlement between litigants is always better than a ruling from a 3rd party, I have always encouraged mediation wherever possible.

During my service as Master, I have seen the fallout from the greatest foreclosure crisis this nation has experienced. Many of the decisions that I have made have been difficult, but they have not been made without careful consideration, due process and the exhaustion of all efforts to avoid forfeiture. In every case, I do my best to ensure that litigants and lawyers alike are treated with respect and fairness.

I believe that our entire judicial system rests on the people's understanding and confidence that win or lose; they were given a fair chance. As a Master-in-Equity it has been my goal to always guarantee that fair chance. Further, as Master, I have served in the role of president of the Master's association and have been instrumental in the modification of Court rules regarding foreclosures.

Finally, my greatest achievement and enjoyment has been that of a husband and father. I work every day to pass on to my daughter the core values that have guided me.

52. References:

- (a) Bruce VanHorn
South State Bank
189 Sea Island Parkway
Lady's Island, SC 29907
843-521-5608
- (b) Heather Winch
309 Federal Street
Beaufort, SC 29902
843-252-2291
- (c) Robert E. Bell, MD
Post Office Box 2118
Beaufort, SC 29901-2118
843-522-5117
- (d) Evy Trask

40 Stuart Town
Beaufort SC 29902
843-592-1022

(e) Jerri Rosseneau
Post Office Drawer 1128
Beaufort, SC 29901
843-255-5050

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

Signature: Marvin H. Dukes III

Date: August 4, 2014