

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

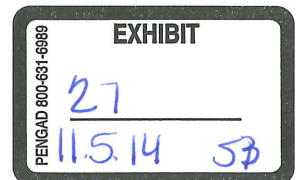
Master-in-Equity
(Incumbent)

Full Name: Marvin H. Dukes III

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1. Do you plan to serve your full term if re-appointed?
Yes
2. Do you have any plans to return to private practice one day?
No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Only as allowed in the rules, for instance scheduling and emergencies, and only then with immediate disclosure to all parties.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I think it is important to avoid even the appearance of impropriety. In situations where any lawyer appeared before me with whom I had had a prior professional relationship, I believe that the fact should be made known immediately to opposing counsel. I do not think that recusal is appropriate simply because of any prior relationship, however. The question of recusal would be a case by case basis with emphasis on whether or not the prior relationship involved (in any way) the case before the Court, or whether not, by reason of the prior relationship, either me or my family, or any close associates had anything to gain or lose by the possible outcome of the case. In any case where even the possibility of such conflict existed, or when the appearance of impropriety existed, recusal would be appropriate.
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 perception of the Court's impartiality is paramount. If even the appearance of bias existed, recusal would be appropriate.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?



I believe that gifts of any value are inappropriate. Social hospitality would be inappropriate if more than *de minimis* in value or such as to raise even the appearance of impropriety.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a judge?

I would take action up to and including reporting the conduct to the appropriate authorities.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated?

No

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

No

11. How do you handle the drafting of orders?

In Default or Consent matters, I generally ask the attorneys for draft Orders. In contested matters, I sometimes request draft Orders or draft language and I sometimes draft the entire Order myself. Each case requires different treatment based on its complexity.

12. What methods do you use to ensure that you and your staff meet deadlines?

We use computer scheduling.

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

Judges should not practice judicial activism, nor should they use their position on the bench to promote their idea of public policy.

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

I regularly participate in the JOE program and speak to school groups when requested. I have also spoken at CLEs.

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

No.

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

No.

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

No.

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

No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes.
20. What do you feel is the appropriate demeanor for a judge?
A Judge should be firm but pleasant, patient, confident, open-minded and dignified.
21. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
These rules always apply.
22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
No and No.
23. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
None.
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No.
25. Have you sought or received the pledge of any legislator prior to this date?
No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No.
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No.
28. Have you contacted any members of the Judicial Merit Selection Commission?
No.
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes.

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

s/ Marvin Dukes

Sworn to before me this 4 day of August, 2014.

Jacqueline Gray

Notary Public for S.C.

My commission expires: March 21, 2022