

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

Master-in-Equity
(Incumbent)

Full Name: Martin Rast Banks
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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?
YES
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? *Ex parte* communications undermine the Bar and public's confidence in a fair and unbiased judicial process. Except for administrative scheduling purposes, I do not entertain *ex parte* communications.
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 believe that a judge should recuse himself when there is even an appearance of impropriety. I have no former associates or law partners. I will recuse myself in cases where my impartiality is reasonably questioned. I do not foresee recusing myself simply because a lawyer-legislator was before me. If the lawyer-legislator approved my candidacy, I would disclose that and rule on any motion related to that, if offered.
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? If my disclosure in some way revealed my opinion of the case, before the case was completed, I would give great deference to the party requesting my recusal. I would err on the side of caution and likely grant the motion. If the disclosure had an equally reasonable, innocent connotation or inference, I would not give as much to the moving party. Of course, I would have to hear the argument and consider the circumstances to determine if there was not some other reason that the moving party might want the case



delayed. However, having said that, I would at all times consider and apply the principle that I must not give the appearance of bias.

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

I do not think I have ever accepted a gift or hospitality from someone with whom I did not have a close relationship. Any unexpected gift or offer would likely be declined. Any gift accepted by me or immediate family greater than \$100 would be reported annually and disclosed if the person or entity ever appeared before me in court. I would weigh whether I could remain impartial and entertain any motion to that effect. I do not recall ever being offered an opportunity for social hospitality, and would weigh the offer as I would that of a gift.

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

I would approach the offender about self-reporting. If that fails, I am bound by the Code of Ethics to report the offender myself.

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?

Typically, I would request the successful party to draft a proposed order according to my ruling, instructing them to forward the proposed order to the opposing party for review. Occasionally, in close cases I might ask both parties to submit proposed orders.

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

I have everything on my computer calendar with reminders set. I also analyze my monthly reports and follow up on old cases.

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

I disagree with judicial activism. I consider and appreciate public policy as it is now, not as someone thinks it should be. As an equity judge, I have limited effect on public policy and use it as part of my decision-making.

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 have been active within the Master-in-Equity Association analyzing how we fit into the current system and advocating for how we can improve our role in the administration of the courts.

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? There may be some strain on interpersonal relationships and some isolation; however, being in a part time Master-in-Equity position, I have not experienced much, nor do I foresee much in this area. My wife is very understanding and supportive.

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?

A judge must recuse himself when the judge's impartiality might reasonably be questioned. The test is based on the mere appearance of partiality, and does not depend on the judge's subjective feelings. This general test is premised on the idea that even the appearance of partiality erodes public confidence in the judiciary. The fact that the judge has a financial interest creates a duty to recuse that cannot be avoided by waivers of the parties involved. Therefore, after disclosure, if a party objected I would consider recusing myself after hearing the arguments.

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 sober, discreet, punctual, decisive, calm, deliberate, informed, respectful, open, trustworthy, dependable, truthful, patient, dignified, and courteous.

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?

No one can maintain this demeanor around the clock, every day. However, I believe that these are good qualities to practice daily. They are, certainly, most important to practice while on the job, or in other places that you are known to hold the position of judge. In chambers discussions certainly can be more frank.

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?

A display of anger from the bench toward anyone is distasteful and taints the equitable nature of the proceedings, so anger should rarely be displayed. However, there are times when controlled anger can be appropriate. For example, it is more common to see anger from a judge in perjury and contempt situations.

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? \$0.00
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?
NO.
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/ Martin Banks

Sworn to before me this 1 day of August, 2014.

Barbra Heigler
Notary Public for S.C.

My commission expires: April 4, 2022