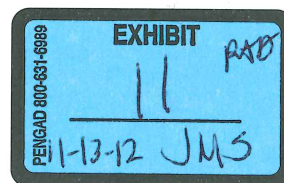


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 15

1. NAME: The Honorable Marvin H. Dukes III
BUSINESS ADDRESS: PO Drawer 1228
Beaufort, SC 29902
TELEPHONE NUMBER: (office): 843-255-5710
2. Date and Place of Birth: 1961; Beaufort, SC
3. Are you a citizen of SC? 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-May 1984; BA in Economics;
 - (b) Graduate of the USC School of Law. Attended from September 1984 until graduation in June 1987 with a JD.
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.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2011 Annual Judicial Conference	8/17/2011;
(b) Master-in-Equity Bench/Bar	10/14/2011;
(c) 2010 Annual Judicial Conference	8/18/2010;
(d) Master-in-Equity Bench/Bar	10/08/2010;
(e) Make up CLE for MIE Bench/Bar	12/29/2010;
(f) 2009 Annual Judicial Conference	08/19/2009;
(g) Master-in-Equity Bench/Bar	10/09/2009;
(h) 2008 Judicial Conference	08/20/2008;
(i) Master-in-Equity Bench Bar	10/10/2008;



- (j) 6th Annual Civil Law update 01/25/2008;
- (k) 2007 Annual Judicial Conference 08/22/2007;
- (l) Master-in-Equity Bench/Bar 10/12/2007.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (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.

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 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.

I became Master-in-Equity for Beaufort County in June of 2007.

14.(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil

court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

I have served as Full-time Master-in-Equity for Beaufort County since June of 2007. During my time as Master, I have also served, pursuant to Supreme Court Order, as a Special Circuit Court Judge. In addition to the broad experience that I have gained through my service as Master, my appointment as Special Circuit Judge has allowed me to hear countless jury-trial motions, non-jury cases, Magistrate's criminal appeals and other matters. Historically, the Beaufort County Master-in-Equity has functioned as an in-house non-jury circuit judge for those matters permitted. In my 5 years of service I have continued that tradition.

In a typical month, I will hear dozens of contested motions from both the jury and non-jury docket, contested non-jury matters, magistrates and probate appeals, and traditional equity cases. As the commission is aware, the primary difference in a jury and non-jury trial is that the non-jury judge has an additional duty as finder of fact.

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 last 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 last 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 last 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.
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) Estate of Tenney v. SC Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (S.C. 2011)

- (b) Hilton Head Automotive, LLC v. SC Dept. of Transp., 394 S.C. 27, 714 S.E.2d 308 (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? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?
- I was an appointed member of the Beaufort County Planning Commission from 1995-99. I was an elected member of Beaufort County Council from 1999-02. 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. N/A
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench.
- In 2002, I was defeated in a primary race for SC House seat 124.
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 owner. They are passive investments.
28. 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.
- Please see #27.
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?

Yes. 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.

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? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

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 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
39. 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

40. 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." None

41. 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."

None

42. 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.

\$0.00

43. 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.

\$0.00

44. 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? No

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No

47. 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

48. 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) Beaufort County Bar Association;

(b) SC Bar Association;

(c) American Bar Association.

49. 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 (debutante society).

50. 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.

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 that our parents taught to us can never be wrong. In my legal career, I did my best to solve problems and to 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 a number of commissions and boards 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 served me so well.

I am proud of my accomplishments and I believe that I have much to offer to Circuit Court Bench.

51. References:

- (a) Bruce VanHorn
SC Bank and Trust
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 Court
Beaufort, SC 29902
843-592-1022
- (e) The Honorable Jerri Ann Roseneau
Beaufort County Clerk of Court
Post Office Drawer 1128
Beaufort, SC 29901
843-255-5050

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: Marvin H. Dukes III

Date: August 8, 2012

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

Circuit Court
(New Candidate)

Full Name: Marvin H. Dukes III
Business Address: PO Drawer 1228
Beaufort, SC 29902
Business Telephone: 843-255-5710

1. Why do you want to serve as a Circuit Court judge?
I believe that my experience as an attorney and my service as Master-in-Equity have prepared me to serve as an excellent Circuit Court Judge. I believe that I would enjoy such service.
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?
I have no such plans.
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?
I do not permit ex-parte communications except as allowed for scheduling and emergency hearings.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I would recuse myself as the rules require, in cases where I felt that I could not render an unbiased decision and in cases where failing to recuse myself would create the appearance of impropriety.
7. 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 failing to recuse myself would create an appearance of bias, I would grant such a motion, irrespective of my impartiality.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would recuse myself in any such cases.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I do not accept gifts beyond occasional simple social hospitality,

- and only then if it would not create the appearance of impropriety.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
It would depend on the level of misconduct. If an attorney was simply being rude, I would attempt to deal with it myself. For more serious misconduct, involving ethics or criminal activity, I would report it.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
I have passive real estate investments that are entirely managed by a professional management company.
13. If elected, how would you handle the drafting of orders?
Depending on the case, I may ask for draft Orders from counsel, or I may draft them entirely on my own.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
We would use computer calendaring.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
Trial level judges should not engage in judicial activism.
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 would be happy to serve on any committees available for such improvement.
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? No
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.
Each case has a different fact pattern which must be considered before sentencing, however, in general:
- a. Repeat offenders: I would consider longer sentences for repeat offenders.
 - b. Juveniles (that have been waived to the circuit court): Depending on the history of the juvenile, the factual aspects and severity of the crime, and the likelihood of rehabilitation, I would consider a sentence designed to rehabilitate such offenders.
 - c. White collar criminals: I would not grant special privileges in sentencing to white collar, as opposed to other crime.

d. Defendants with a socially and/or economically disadvantaged background: I would consider each case on its merits.

e. Elderly defendants or those with some infirmity: I would consider each case on its merits.

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. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge?
I believe that the appropriate demeanor is patient, calm, polite, respectful and dignified.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? These rules always apply.
25. 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. There is no place for anger from the bench in a Court setting. Expressions of anger are a loss of control and have no place in these settings.
26. 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
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. 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
31. Have you contacted any members of the Judicial Merit Selection Commission? No
32. 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.

Marvin H Dukes III

Sworn to before me this 8 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 08/11/20_____

Marvin H. Dukes III
791 Ribaut Road
Beaufort, SC 29902
843-521-7737

Jane O. Shuler
Chief Counsel
Judicial Merit Selection Commission
Room 104
Gressette Senate Office Building
1101 Pendleton Street
Columbia, SC 29201

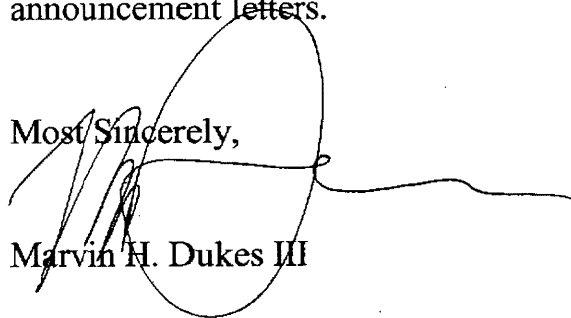
Re: Amendment to previous submissions, Circuit Court Seat 15, At-large

Dear Jane,

Please allow this letter to serve as an update of my previous responses on amounts expended in furtherance of my candidacy.

I have spent \$72.00 (Seventy Two Dollars and no/100s) on postage for announcement letters.

Most Sincerely,



Marvin H. Dukes III

cc: Emma T. Dean