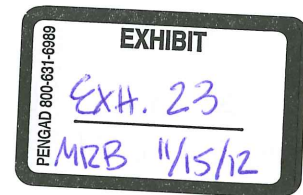


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



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

1. NAME: The Honorable Martin R. Banks
BUSINESS ADDRESS: 716 Huff Drive, N
St. Matthews, SC 29135
TELEPHONE NUMBER: (office): 803-874-2100
2. Date and Place of Birth: 1961; Columbia, 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 to Kathy Newman Banks on 8/20/94; 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) Clemson University 1979-80,
 - (b) transferred to USC 1980-83, BS in Business Administration;
 - (c) Columbia Graduate School of Bible and Missions 1985 receiving a Certificate in Bible;
 - (d) Columbia International University 1987-89 receiving a MA-Christian Education; USC School of Law 1989-92 receiving 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, 1992; took no other Bar Exams.
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.
 - (a) Karate Club member at Clemson in 1979-80;
 - (b) Treasurer of the German Club at USC in 1982;
 - (c) President of the MA-CE class at Columbia Graduate School of Bible and Missions in 1988-89;
 - (d) member of Christian Legal Society at USC School of Law 1989-92;
 - (e) Student government representative at USC School of Law 1992
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2007 Annual Judicial Conference	08/22/07;

- | | | |
|-----|--|-----------|
| (b) | 2007 Title Insurance Seminar | 09/11/07; |
| (c) | 2007 Public Defender Conference | 09/24/07; |
| (d) | 2008 Title Insurance Seminar | 09/09/08; |
| (e) | 2008 Public Defender Conference | 09/29/08; |
| (f) | 2008 Master-in-Equity Bench/Bar | 10/10/08; |
| (g) | Annual Convention | 08/06/10; |
| (h) | 2009 Annual Judicial Conference | 08/19/09; |
| (i) | 2009 SC Public Defender Conference | 09/28/09; |
| (j) | 2009 Master-in-Equity Bench/Bar | 10/09/09; |
| (k) | RESPA Reform School is | 12/08/09; |
| (l) | Lawyer Mentoring Training Workshop | 01/28/10; |
| (m) | Public Defender Best Practices | 02/18/10; |
| (n) | 2010 Annual Judicial Conference | 08/18/10; |
| (o) | 2010 Public Defender Conference | 09/27/10; |
| (p) | 2010 Master-in-Equity Bench/Bar | 10/08/10; |
| (q) | Omnibus Crime Reduction and | 11/22/10; |
| (r) | 5 th Annual PD Best Practices | 02/18/11; |
| (s) | Lawyer Mentoring Second Pilot Program | 04/28/11; |
| (t) | 2011 SCAJ Annual Convention | 08/04/11; |
| (u) | 2011 Annual Judicial Conference | 08/17/11; |
| (v) | 2011 Annual Public Defender | 09/26/11; |
| (w) | Masters-in-Equity 2011 | 10/14/11; |
| (x) | Issues in Determining the | 02/01/12. |
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 taught Constables at Orangeburg-Calhoun Technical College in 1995;
- (b) I taught Reserve Police Officers for St. Matthews Police Dept. in 1996.
12. List all published books and articles you have written and give citations and the dates of publication for each. None
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 1992;
- (b) Also admitted to practice before the Federal District Court for SC on May 17, 1994.
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.
- 14.(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues

involved. Please include the frequency of your appearances before a Master-In-Equity.

I have practiced in the same office since graduating from law school in 1992. I was recruited by Thomas P. Culclasure and worked in association with him for 3 months, when he suddenly left. I continued as a solo-practitioner in a general practice. The only change to my practice have been the decrease in my criminal case load gradually after being appointed Chief Public Defender for Calhoun County in 1993, and a sharp decrease in my real estate caseload since 2008 due to the economy. Also, I added the responsibilities as Master-in-Equity for Calhoun County in 2005.

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. I am unaware of any rating that I might have.
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: 0;
 - (b) state: 350+.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 20%;
 - (b) criminal: 55%;
 - (c) domestic: 10%;
 - (d) other: 15%.
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: 10%
 - (b) non-jury: 90%

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) Jacobs v. Jacobs (2001-UP-060): won my first appeal from Family Court;
 - (b) State v. Brazell (1997 SC Supreme Ct. Opinion #24545): my very first trial in General Sessions Court which laid the foundation for a significant ruling by the 4th Circuit on pre-indictment delay. I stayed with this case to make my very first appearance before the SC Supreme Ct.;
 - (c) State v. Pearson (1995 unreported): I sat second chair on this death penalty case where the defendant got life in prison;
 - (d) Banks v. State Retirement Systems (2010 unreported): I was successful in gaining a reversal from the retirement system of the Director's denial of my right to purchase past service credit as Public Defender for Calhoun County;

- (e) State v. Matthews (2002): My second consecutive acquittal for Matthews on separate armed robbery charges.
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.
Jacobs v. Jacobs (2001-UP-060)
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.
State v. Brazell (1997 SC Supreme Ct. Opinion #24545)
As Chief Public Defender for Calhoun County I cannot handle criminal appeals.
22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
Yes. I have been the Master-in-Equity for Calhoun County since 2005.
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) Judy v. Judy (07-CP-18-1794; unreported & unappealed);
(b) Sikes v. Roberts (07-CP-09-008; unreported & unappealed);
(c) Congaree Bank v. Edens Trailer (10-CP-09-258; unreported & unappealed);
(d) White v. Pelzer (07-CP-09-007; unreported & unappealed);
(e) Smith v. City of Orangeburg (05-CP-38-708; unreported & unappealed).
24. Have you ever held public office other than judicial office? NO
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.
(a) Martin Banks, Atty. at Law 2005-present (general practice);
(b) Chief Public Defender for Calhoun County 2005-present (part time; supervisor, Mark Leiendecker).
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? NO

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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

- (a) Martin Banks, Atty. at Law (solo general-practitioner) 1992-present;
- (b) Chief Public Defender for Calhoun County 1992-present;
- (c) Master-in-Equity for Calhoun County 2005-present;
- (d) USC School of Law (part time tech in computer lab) 1991;
- (e) SCANA (part time clerk; research, reporting, investigating) 1990-92;
- (f) Time Warner (part time cable tv service salesman) 1985;
- (g) Columbia Junior College (taught accounting part time) 1987;
- (h) Blue Cross/Blue Shield (accountant) 1985-86;
- (i) Clarkson, Harden & Gantt (accountant) 1983-84.

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.

Self-employed: Martin Banks, Atty. at Law general practice

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. None.

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? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

There may have been a traffic violation where the fine was more than \$125. I am not certain, but it would have occurred in North Carolina over 25 years ago, and I no longer have a record of it.

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? If so, give details, including but not limited to dates, and resolution.

My last filing in 2004 uncovered that I had been sued in Federal Court by a former public defender client. However, I was never served, so I never knew of the case until after the case had been dismissed. I was recently sued

by another public defender client for malpractice (11-CP-23-4859). I had that case dismissed via summary judgment.

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.
Yes, I have been insured continuously since 1993. I have never had a tail policy. My current coverage is \$1,000,000/\$500,000 with a \$5,000 deductible.
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." N/A
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." N/A
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. N/A
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. N/A
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) SC Bar;
 - (b) SC Public Defender Association;
 - (c) Master-in-Equity Association;
 - (d) Calhoun County Bar.
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. N/A
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.
51. References:
 - (a) Sheriff Thomas Summers
2811 Old Belleville Rd.
St. Matthews, SC 29135
803-874-2741
 - (b) Michelle Griffin (BB&T)
718 N. Huff Drive
St. Matthews, SC 29135
803-655-5900
 - (c) Ted Lufton
140 Gibson Road
Lexington, SC 29072
803-358-7208
 - (d) James Williams
1703 Keowee Lakeshore Dr.
Seneca, SC 29672
03-533-8000
 - (e) David Crosby
PO Box 402
St. Matthews, SC 29135
803-874-4149

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: Martin R. Banks

Date: August 7, 2012