



**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: 102 Ribaut Road, Room 212  
Post Office Drawer 1228  
Beaufort, SC 29901

Business Telephone: 843-255-5710

1. Why do you want to serve as a Circuit Court judge?

I have served as Beaufort County Master-in-Equity for 10 years. Prior to that, I practiced law for 20 years. I believe that those experiences have allowed me to develop the skills, knowledge and temperament to excel as a Circuit Judge.

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?

None

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?

Ex-parte communications are only allowed under the rules in certain

circumstances such as scheduling or properly filed temporary restraining Orders.

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 will continue to follow the rules on recusal as the circumstances dictate. In all cases the appearance of the impropriety is paramount. The public must continue to have confidence in the impartiality of the Judiciary. Therefore, even in circumstances where recusal may not technically be required, I will recuse myself where the appearance of impropriety or conflict exists.

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.

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?

Again, it is the public's confidence in the impartiality of the Judiciary that allows our Court system to function. I would (and have in the past) recused myself where that public perception could be threatened. The public's perception of the Court's impartiality is paramount. If even the appearance of bias existed, recusal would be appropriate.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

Those are clear cases requiring recusal.

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

I accept limited social hospitality, such as the occasional party or gathering, but never gifts.

10. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I have reported such incidents in the past and would continue to do so.

11. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

I am a member of the Jean Ribaut Society, (the local debutante society) only because I have a teenage daughter. I understand that only females are eligible to be debutantes.

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

No

13. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I own income producing Real estate, which is professionally managed. My involvement in that endeavor would continue and I would recuse myself if any conflict arose.

14. If elected, how would you handle the drafting of orders?

Depending on the complexity of the case, I draft the order myself, ask for competing draft orders, or ask for a draft order from the prevailing side (with copies to the opposition). I then ordinarily modify any attorney-drafted proposed orders to my liking and then sign.

15. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would use Computer scheduling methods.

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

Circuit Judges have no role in “judicial activism” and are sworn to follow the law, not make it.

17. 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 have always participated in lecturing at CLEs and hosting JOE (Judicial Observation and Experience) interns. I would continue in those efforts.

18. 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?

I have been a Judge for 10 years and feel that I have, and would handle any such pressure without problem.

19. 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.

a. Repeat offenders:

I believe that repeat offenders should be subjected to increased penalties.

b. Juveniles (that have been waived to the Circuit Court):

In the case of juvenile sentencing, the Court should consider a juvenile offender’s background, family, education and youth, as recognized in the Byars decision.

c. White collar criminals:

White collar criminals should be required to make full restitution and should be sentenced in such a way as to make restitution a condition of release from incarceration.

d. Defendants with a socially and/or economically disadvantaged background:

Where it is available, the Court should explore education opportunities, vocational rehabilitation and drug treatment.

e. Elderly defendants or those with some infirmity:

I believe that the Court should take into account the expense and difficulty of housing and caring for elderly or infirm Defendants, particularly those who pose no danger to the public.

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

No

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

No

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

Yes, the debutante society mentioned in paragraph 11 hereinabove, in which I believe only young ladies to be eligible to be debutantes.

23. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes

24. What do you feel is the appropriate demeanor for a judge and when so these rules apply?

A Judge should be firm but pleasant, patient, confident, open-minded and dignified. 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 and No

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

\_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_