



JUDICIAL MERIT SELECTION COMMISSION

Sworn Statement to be included in Transcript of Public Hearings

Master-in-Equity
(Incumbent)

Full Name: **Martin R. Banks**

Business Address: 716 F.R. Huff Dr., St. Matthews, SC 29135

Business Telephone: 803.874.2100

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? **As a part time Master, I am allowed to continue my private practice. I plan to do so.**
3. Have you met the statutory 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 and would cut them off if entered into.**
5. 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? **I believe that a judge should recuse himself when there is even an appearance of impropriety. 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 deference 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 or that I have predetermined the outcome of a case.**

6. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? **I have rarely encountered the offer of a gift or social hospitality from anyone other than a long-time friend, or some other person who has no connection to the law or politics. But, any such gift outside of the ordinary would most likely be declined. Any gift, accepted by me or an immediate family member greater than \$100.00 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.**
7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a judge? **If I was a first person witness to this, I would first approach the person about the issue. If I determine that I was correct in my assessment, I would inform them of their duty to self-report, and also my duty to do so under the Code of Ethics. I would give them an opportunity, limited in time, to self-report, and inform them that after that deadline I would be compelled to report them. If the actual witness was another lawyer, I would urge the witness to go through the same process above.**
8. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe. **NO**
9. How do you handle the drafting of orders? **Typically, I request the successful party to draft a proposed order according to my ruling, while instructing them to forward the proposed order to the opposing party for review with some limited time frame to respond with changes. I will then review the proposed order and make all necessary changes. Occasionally, in more difficult cases I may ask both parties to submit proposed orders.**
10. 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. The improvements made with e-filing have assisted in this.**
11. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? **I am opposed to 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.**

12. 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. I plan to continue this advocacy. I recently became a member of the South Carolina Bar Board of Governors. I plan to use my personal, legal and judicial experience to effect good guidance, better policy, and any needed change.**
13. 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 a part time Master-in-Equity with limited jurisdiction, I have not experienced much, nor do I foresee much in this area. My wife is very understanding and supportive of my situation.**
14. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? **NO**
15. 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 his impartiality might reasonably be questioned. The test is based on the mere appearance of impartiality, and does not depend on the judge's subjective feelings. This general test is premised on the idea that even the appearance of impartiality erodes public confidence in the judiciary. While the fact that the judge or his family member has *de minimis* financial interest could raise the question of bias, it does not require automatic recusal. I would disclose and entertain a motion, but the likely result would be that I would hear the case.**
16. 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 these bases. **NO**
17. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? **Yes**
18. What do you feel is the appropriate demeanor for a judge and when do these rules apply? **A judge should be sober, discreet, punctual, decisive, calm, deliberate, informed, respectful, open, trustworthy, dependable, truthful, patient, dignified, and courteous. These**

characteristics are beneficially applied at all times, but by rule I suppose they apply only when the judge is being observed. Concentrically, their importance would start with when on the bench, in open court, in chambers, otherwise on the job, making a speech or an appearance as a judge, in a place where you could be recognized as a judge, in a public setting generally, and in a private setting.

19. 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 generally distasteful and can taint the equitable nature of the proceedings, so anger should rarely be displayed. However, there are times when controlled anger is called for and appropriate such as perjury and contempt situations.**

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 _____, 2020.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires:_____