



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2020**

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

1. Name: The Honorable Marvin H Dukes III
Master-in-Equity for Beaufort County

Home Address: [REDACTED]

Business Address: Office of the Master-in-Equity for Beaufort County
PO Drawer 1228
Beaufort, SC 29901

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 843-255-5710
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1961
Place of Birth: Beaufort, South Carolina
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.
No

6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name and occupation; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Marital Status: Married to Laura Campbell Dukes on May 16th, 1992.

Laura and I have one child: [REDACTED]
[REDACTED]

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 until graduation in May of 1984, with a B.A. in Economics.
 - b) Graduate of the University of South Carolina School of Law. Attended from September 1984 until graduation in June of 1987 with a Juris Doctor.
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
9. 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. Please indicate the number of times you took the exam in each state.
 - a) Admitted to practice in the State of South Carolina in 1987. I have taken and passed one bar exam, the South Carolina bar in 1987.
10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

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 (including myself) 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. During approximately 8-10 years of my practice, I operated as a sole practitioner and handled personally all aspects of administration, financial management and trust accounts.

In 2007, I was appointment Master-in Equity and Special Circuit Judge for Beaufort County. The job of Master-in-Equity involves judicial, financial and administrative duties. In my 13 years as Master, I have handled thousands of cases, including criminal appeals from Magistrate's Court, partition actions, partnership matters and extremely complex business disputes.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience *prior to serving on the bench.*

11. Please answer the following:
 - (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.
 - (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 and procedural knowledge 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. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.
 - (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 or a Circuit Court Judge within the past five years.

(d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?

14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?

During the past five years, did you most often serve as sole counsel, chief counsel, or associate counsel?

15. 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.

16. 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.

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

18. 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.

I have served as Beaufort County Master-in-Equity and Special Circuit Judge for Beaufort County from June 2007 to present (13 years).

19. If the answer to question 18 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) Town of Hilton Head Island v. Kigre, Inc. 408 S.C. 647, 760 S.E.2d 103 (S.C., 2014)

This case involved a Constitutional challenge to the application of Hilton Head's business license fee to sales of Kigre's military laser products sold outside Hilton Head.

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

This was a "title to marshlands" case in which the Supreme Court, in affirming my Order, overturned the Coburg precedent on title to marshlands.

(c) Beaufort County School Dist. v. United Nat. Ins. Co., 392 S.C. 506, 709 S.E.2d 85 (S.C.App. 2011) This was a complicated insurance policy interpretation case.

(d) Wachovia Bank, N.A. v. Coffey, Wachovia Bank, N.A. v. Coffey, 404 S.C. 421, 746 S.E.2d 35 (S.C., 2013) This was a heavily-cited case involving the equitable defense of clean hands in a mortgage foreclosure where no attorney was used for the closing.

(e) King v. James, 388 S.C. 16, 694 S.E.2d 35 (S.C.App. 2010) This was a tax sale case where the statute of limitations was tolled as a result of lack of notice.

20. 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.

Member of the South Carolina Bar and admitted to practice in South Carolina since November of 1987.

Previously admitted to practice before the US District Court for SC.

21. 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.

Before becoming Master-in-Equity, I taught several paralegal classes at our local community college. Since becoming Master, I have spoken at a number of CLEs including, but not limited to:

10/12 Masters Bench/Bar

06/13 Foreclosure Law

10/15 Tips from the Bench

02/17 Better Motions, Orders, Persuasion and Technology

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

Attached as Exhibit "A"

23. List all published books and articles you have written and give citations and the dates of publication for each.

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim

sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any. Last Martindale listing was BV
26. 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) South Carolina Bar Association, November 1987 to present
(b) Master's Association 2007 to present. President 2012.
27. 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? If so, give details, including dates.
- a) I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999.
b) I was an elected member of Beaufort County Council from 1999 until 2002. 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.
c) In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission.

I believe that I timely filed all reports.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time), Specify your dates of employment, employer, major job responsibilities, and supervisor.

None

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
- a) In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench.
b) In 2002, I was defeated in a primary race for SC House seat 124.
c) In 2013, I was an unsuccessful candidate for an At-Large Circuit Judge seat.
d) In 2017, I was an unsuccessful candidate for an At-Large Circuit Judge seat.
e) In 2020, I was an unsuccessful candidate for an At-Large Circuit Judge seat.

30. 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.

I have residential rental and investment property, which is managed by a professional management company. The properties are owned in the name of LLCs, of which I am the sole managing member/owner. They are passive investments in which I have no day-to-day control or responsibility.

31. 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 Question 30, above.

32. 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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No

33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

Attached as Exhibit "B"

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

34. 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? If so, give details.

No

35. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No

36. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

\$0.00

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.

None

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No

39. 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 or currently hold. Explain how you would resolve any potential conflict of interest.

None identified, however, recusal is the appropriate resolution to conflicts that arise.

40. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None to all

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and

(c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

None

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

- a) AMZN 1 share
- b) ATVI 1 share

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

No

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

No

45. 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 which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.
- a) 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.
 - b) In about 2000, one of my 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.
 - c) In June of 2014, I was named in my capacity as Master-in-Equity by a foreclosure Defendant (Grant) as a Defendant in a Federal Court case (1:14-cv-01091-JDB). The matter was dismissed by the Court within days of being filed.
 - d) On July 23, 2014, the same Plaintiff (Grant) filed suit (2014-CP-07-1769) in State Court against me (in my capacity as Master-in-Equity) and a number of other Defendants. Again the suit is related to the same recent foreclosure. The case was dismissed as to the MIE on 4/22/15.
 - e) On August, 1 2014, Plaintiff Hays filed suit (2014-CP-07-1846) in State Court against me (in my capacity as Master-in-Equity) and a number of other Defendants. Again the suit is related to a recent foreclosure and contains language and allegations virtually identical to those in 2014-CP-07-1769. The case was dismissed as to the MIE on 4/22/15.
 - f) On February 13th, 2017 Plaintiffs John A. Nell and Rebecca L. Nell filed suit in Federal Court (0:17-cv-00435-JFA-SVH) against their bank, the FDIC, a receiver and other including me, in my capacity of Master-in-Equity. The allegations against the MIE are that the MIE acts as a debt collector in foreclosure actions. The case was dismissed as to the MIE.
48. 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 former clients who enter the judiciary and have been covered under the same since 2007.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No

51. 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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details.

No

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with original letters of

recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

- (a) Evy Trask, [REDACTED]
- (b) Heather E. Winch, [REDACTED]
- (c) Jeri Ann Roseneau, [REDACTED]
- (d) Robert E. Bell, MD, [REDACTED]
- (e) F. Mark Guilloud, DMV, [REDACTED]

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I am not an active user of any social media site. I have the Twitter app, a Facebook page and an Instagram account. None is actively used. I have intentionally accepted no friend requests on the Facebook page, which is used exclusively for searches on certain companies (such as restaurants) which no longer use other types of media. The Instagram account is used to keep track of my child.

57. 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)

58. 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. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

I am the oldest of four 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 our parents taught to us can never be wrong.

In my legal career, I did my best to solve problems and 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 serving on a number of committees 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. In Court hearings, I insist on an atmosphere of "Disagree without being disagreeable".

During my service as Master, I have seen the fallout from the foreclosure crisis. 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 and to have all parties leave the Courtroom, knowing that they were heard.

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. As Master I have handled tens of millions of dollars in foreclosure proceeds, and through collection of fees and commissions, my office been a consistent profit center for the County.

Finally, my greatest achievement and enjoyment has been that of a husband and father. My wife and I work every day to pass on to our daughter the core values that have guided us.

Thank you for your consideration,

Marvin H. Dukes III

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: _____

Sworn to before me this ____ day of _____, 2019.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____