

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.

- (a) Christian Legal Society - member - 1989 until 1992.
- (b) Student Government representative - 1992.
- (c) Intramurals (flag football) - 1990 until 1991

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.

Admitted to SC Bar in 1992. Took no other Bar Exams. Passed the SC bar exam on first attempt.

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 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.

I have practiced in the same office since graduating from law school in 1992. I was recruited by an attorney who was both Master-in-Equity and public defender. I worked in association with him for 3 months when he suddenly left, leaving me with his practice which was primarily real estate. At the same time I assumed the role of part time Public Defender. I bought his building and continued there as a solo-practitioner in a general practice. The only changes to my practice have been: 1) a decrease in my real estate practice after the 2007 economic crisis; 2) a decrease in my criminal case load after retiring as the Chief Public Defender for Calhoun County in 2017; 3) an increase in other types of cases due to necessary diversification; 4) becoming the Master-in-Equity for Calhoun County in 2005; and 5) adding a partner in 2018. Because I have an accounting degree and because I take my financial responsibilities so seriously, I am 100% in control of all of my accounts, including my IOLTA account. And, I continue to manage the entire practice.

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: Omitted
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? Omitted
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? Omitted

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? Omitted
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. Omitted
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. Omitted
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. Omitted
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.
Appointed Calhoun County Master-in-Equity, 2005 to present; jurisdiction limited to non-jury cases as appointed by the circuit court. Further limited by the terms in the Order of Reference.
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) Judy v. Judy 07-CP-09-1794 (unappealed and unreported)
(b) Sikes v. Roberts 07-CP-09-008 (unappealed and unreported)
(c) Congaree Bank v. Edens Trailer 10-CP-09-258 (unappealed and unreported)
(d) Wilhelm v. Ashborough Civic Assoc. 07-CP-18-053 (unappealed and unreported)
(e) Smith v. City of Orangeburg 05-CP-38-708 (unappealed and unreported)
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.
(a) Admitted to practice in state courts of South Carolina since 1992.
(b) Admitted to practice in Federal District Court for South Carolina since May 17, 1994.
(c) Admitted to practice in Fourth Circuit Court of Appeals since February 26, 2013.
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.
(a) Taught a constables training course at Orangeburg-Calhoun Technical College in 1995.
(b) Taught a reserve police officers training course at St. Matthews Police Dept in 1996.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years. See attachments.

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

I am not a member nor am I aware of any rating by any of these types of organizations.

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, member.
 - (b) Calhoun County Bar, member.
 - (c) Master-in-Equity Association, Treasurer 2012 to present; President 2014-2015.
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. N/A
28. For sitting or former judges, 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 (solo general practitioner) 2005-2018
 - (b) Chief Public Defender for Calhoun County
(all GS cases; Mark Leiendecker, supervisor) 2005-
2017
 - (c) Contract Public Defender for Calhoun County (Mag. Ct. only) 2017-pres.
 - (d) Martin Banks, Atty. at Law, LLP (managing partner of gen. practice) 2018-pres.
 - (e) Pro Mag, LLC (Manager/shareholder of topical supplement retailer) 2019-pres.
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

I was unsuccessful in my bid to become the MIE of Orangeburg County after the retirement of Judge Burgdorf in 2012. I was attempting to join Orangeburg and Calhoun County MIE offices to make them more efficient. This would have required a reciprocal agreement of both counties to combine the MIE offices.

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.

(a) USC School of Law, part time tech in the computer lab	1990
(b) SCANA, part time law clerk	1990-1992
(c) Time Warner, part time cable TV service salesman	1985
(d) Columbia Junior College, part time accounting teacher	1987
(e) Blue Cross/Blue Shield, accountant	1985-1986
(f) Clarkson, Harden & Gantt, accountant	1983-1984

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.

I am the part time manager and shareholder of Pro Mag, LLC. It is a topical supplement retailer organized in South Carolina. My brother and two nephews started the company in 2019 and they needed my legal, accounting, tax and business management expertise. I am also the managing partner of Martin Banks, Atty. at Law, LLP

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 complete, current financial net worth statement was provided to the Commission.

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. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

Three SC DOR tax liens were filed against my sole proprietorship, two in late 2013 and one in early 2014. One lien was legitimate as a result of me forgetting to file a quarterly payroll withholding return. The other two were the result of my failing to inform the SCDOR that I had no payroll to report for those two quarters. I immediately rectified the situation once I was notified and the liens were satisfied in early 2014. See satisfactions attached.

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? N/A
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. N/A
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. N/A
40. Describe any interest you or a member of your immediate family has in real property: N/A
- (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.
- List the interest you hold and the value and location of the property. Identify as applicable the: N/A
- (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.
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. N/A
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 complete, current financial net worth statement was provided to the Commission.

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 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.

There may have been a speeding violation where the fine was slightly more than \$125.00, but I am not certain. It would have occurred in North Carolina about 40 years ago and I no longer have a record of it.

[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.

I was sued pro se in Federal Court by a former public defender client, but I was never served so I never knew of the case until long after the case had been dismissed. It was disclosed to me during my first judicial screening in 2004. I believe it was filed in 2003 or 2004. I was again sued pro se by another public defender client for malpractice (11-CP-23-4859). I had that case dismissed on summary judgement.

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 am covered by malpractice insurance and have been covered continuously since shortly after being admitted to practice in 1992. I have never been covered by a tail policy. My current coverage is \$500,000/\$1,000,000 with a \$5,000 deductible.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, 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 sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[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? 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? 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. I have done no campaigning and know of no one who has campaigned on my behalf.

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? 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.*

- (a) Thomas Summers
- (b) Ted Lupton
- (c) F. Lee Prickett
- (d) Jeff Bloom
- (e) James B. Jackson

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

I am a member of: (a) LinkedIn - Martin Banks

(b) Twitter - @MRBanksEsq

(c) Facebook - Martin Banks

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 only on social media because I maintain a private practice. However, I practice restraint on social media. The most salient thing that you can glean from my posts is that I am a Clemson fan, love my family, have interests in science and archeology, and like to travel.

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, and any professional honors, awards, or other forms of recognition received and not listed elsewhere. I am a member of Shandon Baptist Church.

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 have lived a very interesting and full life these 59 years. I have traveled very extensively where I have seen great poverty, injustice and suffering. It can be simply overwhelming at times. Witnessing these things, I would strive to be sensitive to the poor and powerless. Having been the Chief Public Defender for Calhoun County for 20+ years, I have experienced how addiction, poor education and communication skills can harm a person. I would strive to listen closely to those who are before me who may be unrepresented in order to insure that they do not bring undue suffering upon themselves. I will approach my duties with patience, kindness, sobriety, equity and dignity.

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 _____, 2020.

(Notary Signature)

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