

# The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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November 17, 1992

The Honorable William Holmes  
Mayor, Town of Allendale  
Post Office Box 551  
Allendale, South Carolina 29810

Dear Mayor Holmes:

Thank you for your letter of October 22, 1992, to Attorney General Medlock, which he received on October 26, 1992 and referred to the Opinion Section for response. You advised that the Allendale Town Attorney has been appointed Municipal Judge for the Town. You have asked whether one individual serving in both capacities would hold dual offices in contravention of the State Constitution.

Enclosed are copies of opinions of this Office dated February 1, 1984 (concluding that a municipal judge holds an office) and July 16, 1991 (concluding that a Town or City Attorney holds an office). Based on these opinions it is likely that a dual office holding problem would exist in the above-described situation.

The Canons of Judicial Conduct may also have some bearing on permissible activities of a municipal judge. We respectfully suggest that guidance as to the Canons be sought from the Judicial Standards Commission, which may be reached by writing to Post Office Box 50487, Columbia 29250 or by calling 734-1965.

The Honorable William Holmes  
Page 2  
November 17, 1992

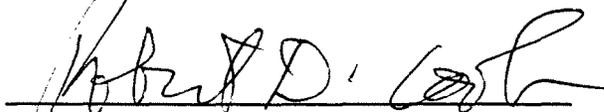
With kindest regards, I am

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP/an  
Enclosures

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Executive Assistant for Opinions