

1981 WL 158121 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 2, 1981

*1 Mr. R. Michael Baker

Executive Director for Unemployment Compensation

S.C. Employment Security Commission

Post Office Box 995

Columbia, South Carolina 29202

Dear Mr. Baker:

You have asked whether a Public Defender Corporation, created pursuant to [§ 17-3-10, et seq., Code of Laws of South Carolina, 1976](#), should be deemed a private employer, or an instrumentality of the State or county. It is the opinion of this Office that those corporations are private employers.

Attached is a prior opinion of this Office in which it was concluded that such corporations are private entities which are operated, in part, according to statute and rules of court. Attorney General Opinion No. 3367, 1971-72 Attorney General's Opinions, dated August 28, 1972. It should be noted that the statute under which these corporations are created provides that '[t]he bar of the county shall create an eleemosynary corporation to be known as the Defender Corporation of _____ County', [§ 17-3-60\(a\), Code of Laws of South Carolina, 1976](#). Such corporations have no formal ties to the State or county involved. Thus, it is clear that the entity is a private corporation and not an instrumentality of the State or of a county. For these reasons a Public Defender Corporation should be deemed a private employer.

Sincerely yours,

David C. Eckstrom

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