

1981 WL 158127 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1981

*1 Louis L. Rosen
Assistant Director
South Carolina Court Administration
South Carolina Supreme Court
707 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Rosen:

Attorney General McLeod has referred your letter of January 21, 1981, to me for reply. You have requested an opinion as to whether a retired family court judge may serve as Special Referee and receive, as compensation for his service, fees from the parties to the reference. [Section 9-8-120, South Carolina Code](#) of Laws of 1976, as amended, does not specifically address this situation. However, [§ 9-8-120\(3\)](#) prohibits a retired judge from receiving pay for 'judicial duties in the Supreme Court, Circuit courts, and family courts . . .'. The same section refers to retired justices or judges serving as 'acting associate justice, special circuit judge or family court judge . . .'. [Section 9-8-120\(4\)](#) prohibits any judge drawing retirement compensation from practicing law in the courts of this State.

It appears from the above that there are certain activities within the practice of law in which a retired justice or judge may engage for compensation and without loss of retirement pay. It is the opinion of this Office that service as a special referee, since it does not involve service as associate justice, circuit judge or family court judge, or practice before a judge or jury, is permissible under the judges and solicitors retirement act, and that he may accept compensation in the form of fees from the parties to the reference.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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