

1979 WL 42938 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 18, 1979

*1 Roy McBee Smith, Esquire
Spartanburg County Attorney
Post Office Box 5306
Spartanburg, South Carolina 29304

Dear Mr. Smith:

In response to your request for an opinion from this Office concerning the proposed Spartanburg County ordinance which seeks to establish a magisterial court for School District No. 7 in that county, I-agree with Mr. Atwater, the Director of the South Carolina Court Administration, that counties are not authorized to enact ordinances which relate to courts included within the unified judicial system. Those courts are to be dealt with by general law pursuant to [Article V, Section 1 of the South Carolina Constitution](#). See, e.g., [State, ex rel. McLeod v. Probate Court of Colleton County, et al.](#), 266 S.C. 279, 223 S.E.2d 166 (1975). In addition, our Supreme Court has recently decided that magistrates are a part of the unified judicial system. [State, ex rel. McLeod v. Crowe, et al.](#), — S.C. —, — S.E.2d — (Opinion No. 20805 filed November 13, 1978). Finally, as Mr. Atwater notes, [Article VIII, Section 14 of the State Constitution](#) prohibits counties from enacting ordinances in conflict with general law provisions applicable to, *inter alia*, ‘the structure for and the administration of the State's judicial system.’

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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