

1978 S.C. Op. Atty. Gen. 173 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-138, 1978 WL 22606

Office of the Attorney General

State of South Carolina

Opinion No. 78-138

July 19, 1978

***1 SUBJECT: Judges**

The Code of Judicial Conduct prohibits a Family Court Judge from serving on the Board of Directors of a bank.

TO: Howard L. Chappell

Executive Secretary

Board of Commissioners on Judicial Standards

QUESTIONS:

Is a Family Court Judge prohibited from serving on the Board of Directors of a bank?

STATUTES AND CASES:

Code of Judicial Conduct, Canon 5C(2); Rules of the Supreme Court of South Carolina, Rule 33, 34 § 1b(2), 34 § 2(b).

DISCUSSION:

Canon 5C(2) of the Code of Judicial Conduct, enacted by the Supreme Court in Rule 33, states, in part:

‘A judge . . . should not serve as an officer, director, manager, advisor, or employee of any business.’

While there is no provision in Rule 33 from which it could be determined if a Family Court Judge is included as a judge bound by this prohibition, the following rule on a Judicial Discipline and Standards does define a ‘judge’ as a ‘Judge of . . . any trial court.’ Rule 34 § 2b. Furthermore, this rule states that a:

‘Judge shall be guilty of misconduct in office if . . . [h]is conduct violates the Code of Judicial Ethics.’

Rule 34 § 1b(2). Because these rules are in pari materia, by reading them together, it is apparent that the Code of Judicial Conduct would prohibit a Family Court Judge from also serving as a director on the Board of a bank.

CONCLUSION:

The Code of Judicial Conduct, adopted by the South Carolina Supreme Court, forbids judges, including judges of the Family Courts, from serving on the Board of Directors of a bank.

Katherine W. Hill

Assistant Attorney General

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