

1975 S.C. Op. Atty. Gen. 23 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3949, 1975 WL 22247

Office of the Attorney General

State of South Carolina

Opinion No. 3949

January 27, 1975

\*1 Mr. Neal Forney  
University of South Carolina  
Judicial Education  
Accounting Annex  
Columbia, SC 29208

Dear Mr. Porney:

I am in receipt of your recent letter in which you request an answer to the following question:

Does the Chief Magistrate, the Governor, have the authority to require that judges of the magistrate courts attend residence judicial education schools after they have been appointed by the Governor, with the advice and consent of the Senate, to a term of office fixed by the statute?

In response to your question, I would like to point out that Article 5, 923 of the Constitution of South Carolina provides for the appointment of magistrates by the Governor, by and with the advice and consent of the Senate. While there are circumstances under which the Governor has the power to remove a Magistrate from office, there appears to be no provision for compelling activity by a judge after his appointment.

It is, therefore, the opinion of this Office that the Governor of this State does not have the power or authority to compel judges to attend judicial education schools after their appointment.

I trust that this sufficiently answers your inquiry. Thank you very much for your letter, if I can be of further assistance, please feel free to contact me.

Very truly yours,

Hutson S. Davis Jr.  
Assistant Attorney General

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