

1974 WL 27501 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 6, 1974

*1 G. Werber Bryan, Luquire
Attorney at Law
P. O. Box 2036
Sumter, South Carolina 29150

Dear Mr. Bryan:

With reference to your letter concerning the validity of an appointment of a special judge to the Civil and Family Court of Sumter County during the absence of the regular judge, I agree with your interpretation that the special appointment would cover only the anticipated absence and would not extend into the indefinite future to cover other absences. Section 15-1675.2(5), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provides that '(i)n the absence of the judge due to illness, vacation or otherwise, an attorney of the Sumter County Bar, . . . , may be appointed to serve during each vacancy . . . ' (Emphasis added.) Also, in relation to the appointment of temporary or substitute judges, Section 15-1095.3(d) of the Family Court Act further provides that:

In the event a family court judge is absent or incapacitated, a temporary or substitute judge shall be appointed to serve during the period the regularly-appointed judge shall be absent or disabled, . . . (Emphasis added.)

The statutory language appears clearly to intend that the temporary appointment continue only for the original period during which the regular judge is absent or incapacitated and to which the temporary appointment is directed.

I am enclosing the material which you included in your request for an opinion.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

1974 WL 27501 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.