

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 4 - 2017

RE: Propriety of a full-time magistrate, who is also a certified paramedic working part-time for a non-emergency service.

FACTS

A full-time magistrate is also a certified paramedic. For many years, the judge has worked part-time as a paramedic in a 911 setting in a county different than the one in which the judge presides. However, the judge plans to retire from the 911 service and instead work part-time for a non-emergency service that would provide services to several counties, including the one in which the judge presides as magistrate. The job would entail transporting patients from hospital to hospital, home to doctor's facilities, etc. These would be non-emergency patients who cannot utilize traditional means of transportation. Further, from time to time, the judge may be requested to cover a public event as first aid personnel. The judge does not believe that there will be any situations in which he would come into contact with law enforcement at said events. Furthermore, the events would fall under the jurisdiction of the municipal court, rather than the magistrate court. The judge inquires as to whether he may accept such part-time employment.

CONCLUSION

A full-time magistrate is not prohibited by the Code of Judicial Conduct from such employment, but such employment is subject to the Code.

DISCUSSION

We have addressed employment by full-time magistrate in previous opinions (See, e.g., 13-2005, 9-2014). The Code of Judicial Conduct does not prohibit part-time employment by a full-time magistrate. Canon 4D(3) permits a judge to serve as employee of a business entity "if

that service does not conflict with the judge's judicial duties[.]” Rule 501, SCACR. The commentary to that Canon states that a judge's participation may be prohibited if “participation requires significant time away from judicial duties.” In addition, all of judge's extra-judicial conduct must avoid activities that cast reasonable doubt on the judge's ability to act impartially and the judge must avoid the appearance of impropriety. Canon 4; Canon 2.

Here, it does not appear that the accepting part-time employment with a non-emergency medical transport service would conflict with the Canons. However, the judge should regularly re-examine the judge's activities with regards to employment to determine if it is proper to continue such affiliation.

S/ A. Camden Lewis
A. CAMDEN LEWIS, CHAIRMAN

S/ Jocelyn C. Cate
JOCELYN B. CATE

April 5, 2017 .