

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 6 - 2017

RE: Propriety of a full-time magistrate judge serving on the Board of Directors of a non-profit organization on aging.

FACTS

A full-time magistrate judge has inquired as to the propriety of serving on the Board of directors for a non-profit organization that devotes 100% of its efforts to issues related to aging. The organization is a private, non-profit, 501(c)(3) entity that serves multiple counties, including the one in which the magistrate presides. The Board of Directors determines policy and ensures that all functions required by law are performed properly.

CONCLUSION

A full-time magistrate judge may serve on the Board of Directors for a non-profit organization which addresses issues of aging.

OPINION

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 2(A), Rule 501, SCACR. Canon 4 specifically addresses extra judicial activities. It requires that a judge regulate them to minimize the risk of conflict with judicial activities. However, a judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal or civic organization not conducted for profit. Canon 4(C)(3), Rule 501, SCACR. A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge, or will

be engaged frequently in adversary proceedings in the court of which the judge is a member.
Canon 4C(3)(a)(I)-(ii), Rule 501, SCACR.

The organization here is a non-profit or charitable organization dedicated to issues involving aging. It does not appear that the organization would be engaged in frequent proceedings before the magistrate court. Thus, the judge is not prohibited from serving on the Board of Directors. While the facts presented do not indicate if the organization participates in fund-raising, the judge should be mindful that a judge cannot directly participate in any fund-raising activity. Canon 4(C)(3)(b), Rule 501, SCACR.

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

S/ Jocelyn B. Cate
JOCELYN B. CATE

S/ Letitia H. Verdin
LETITIA H. VERDIN

May 12, 2017.