

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 1 - 2018

RE: Propriety of a magistrate judge accompanying an adult child who was the victim of a felony crime to court appearances involving that crime.

FACTS

A full-time magistrate court judge is the parent of a child who was the victim of a felony crime. The judge inquires into the propriety of accompanying the adult child to court appearances involving the prosecution of that crime.

CONCLUSION

A full-time magistrate may accompany an adult child who was the victim of a crime to court appearances.

OPINION

Canon 2B, Rule 501, SCACR, states that “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others[.]” The Commentary to that rule provides:

For example, a judge must not use the judge's judicial position to gain advantage in a civil suit involving a member of the judge's family.

However, the Commentary to Canon 4 (which governs a judge’s extra-judicial activities) also notes:

Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives.

Here, there is no indication that the judge will participate in any of the proceedings involving the prosecution of the crime committed against the judge's child. Moreover, because the crime is a felony, it will be prosecuted in General Sessions court rather than the magistrates court. Thus, there is no threat that the judge's judicial position will be used to gain an advantage. Instead, the judge, in his or her personal capacity as parent, is merely accompanying the judge's adult child to judicial proceedings prosecuting the person who victimized the adult child. The judge may do so without violating the Canons.

S/ Letitia H. Verdin
LETITIA H. VERDIN, ACTING CHAIR

S/ Usha Jefferies Bridges
USHA JEFFERIES BRIDGES

S/ Keith M. Babcock
KEITH M. BABCOCK, ACTING MEMBER

December 15, 2017.