

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 01 - 2022

RE: The propriety of an appellate court judge accepting an award from an environmental group.

FACTS

An appellate judge seeks an opinion regarding the acceptance of an award during a formal black-tie dinner and ball. The award and the ball is sponsored by an environmental non-profit organization designed to create awareness of environmental sustainability through educational initiatives. The organization wants to acknowledge the judge's environmental leadership and continuous support for conservation of South Carolina's natural environment. In addition, the organization wants to honor the judge for leadership in an organization-sponsored event that involved a 30 day environmental expedition across the State. The judge's son will also receive a separate award that includes a \$1,000.00 honorarium. The judge inquires as to the propriety of the judge accepting an award under these circumstances.

CONCLUSION

The judge may accept an award from a non-profit environmental group.

OPINION

We have long recognized that a judge may be engaged in service on or for a civic or charitable organization under Canon 4, provided that it is unlikely that the organization would frequently be engaged in proceedings that come before the judge's court. Thus, we see no prohibition against an environmental non-profit organization recognizing the judge's service in that area.

With regard to the son's separate award and an honorarium, the Code of Judicial Conduct provides:

A judge shall not accept, and shall urge members of the judge's family residing in the judge's household, not to accept, a gift, bequest, favor or loan from anyone **except for**... a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member of a judge residing in the judge's household, including gifts, awards and benefits for the use of both the spouse or other family member and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties[.]

Canon 4D(5)(b)(emphasis added). If the judge's son is not a member of the judge's household, clearly there is no obstacle to the son receiving an honorarium. Even if judge's son is a member of the judge's household, the Canons would not prohibit the judge from accepting an award and the son from accepting a separate award and honorarium for his own separate activity with the organization, provided that the environmental organization is not attempting to influence the judge and is not likely to frequently appear before the judge's court. See also, Opinion 6-1990 (allowing a full-time magistrate, under a previous version of the Code of Judicial Conduct, to accept an honorarium for lecturing at private industry and trade organizations).

s/ Letitia H. Verdin
LETITIA H. VERDIN, CHAIR

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

January 13, 2022