

ADVISORY COMMITTEE ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 3 - 2023

RE: Propriety of a part-time municipal judge serving on the Council of the South Carolina Law Initiative.

FACTS

A part-time municipal judge has been asked to serve on the Council of the South Carolina Law Initiative (“the Initiative”). The Initiative is a project of the University of South Carolina School of Law to assist the General Assembly by providing informed research and non-partisan guidance from the law faculty and members of the South Carolina Bar on proposed additions or revisions to South Carolina law, particularly with regard to the proposed adoption or revision of uniform laws. The assistance is provided through a report issued by the Initiative regarding the proposed legislation, along with testimony, when requested, before appropriate legislative committees.

The Council consists of 25 South Carolina lawyers appointed by the Director of the Initiative, in consultation with the Dean of the School of Law. They serve 3-year terms and may be reappointed to successive terms.

CONCLUSION

A part-time municipal judge may serve on the Council of the South Carolina Law Initiative.

OPINION

Canon 4B states that:

A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code.

Canon 4, Rule 501, SCACR. The Commentary to that section notes:

As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, **including revision of substantive and procedural law** and improvement of criminal and juvenile justice. **To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law.**

Commentary to Canon 4B (emphasis added).

The Initiative’s purpose clearly involves the law. Under Canon 4B, a judge may participate in extra-judicial activities concerning the law. The Commentary acknowledges that judges can participate in the “revision of substantive and procedural law” and in fact, encourages judges to do so. Thus, a part-time judge may serve on the Council for the Initiative.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

s/ William H. Seals, Jr.
WILLIAM H. SEALS, JR.

s/ Keith M. Babcock
KEITH M. BABCOCK

April 13, 2023