

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL
CONDUCT

OPINION NO. 4 - 1999

RE: Propriety of a Magistrate attending a Christmas Dinner Party sponsored by an entity that occasionally appears before that magistrate.

FACTS

A Magistrate seeks an opinion as to the appropriateness of attending a Christmas Dinner Party sponsored by an entity that occasionally appears before that magistrate.

CONCLUSION

Yes. It is proper for a Magistrate to attend a Christmas Dinner Party sponsored by an entity that occasionally appears before that magistrate, provided that no "appearance of impropriety" is created or other canonical requirement is violated.

OPINION

The guiding principal of the Code of Judicial Conduct is to avoid the "appearance of impropriety" to protect the integrity of the judiciary through safeguarding its impartiality and the public's faith in that impartiality. Therefore, such determinations are generally fact specific.

Generally, the acceptance of "ordinary social hospitality" is not proscribed. S.C.A.C.R. 501, Canon 4D(5)(c). "A judge should not become isolated from the community in which the judge lives." Nevertheless, the Judge must use their judgment to consider whether other factors, such as the nature of the party itself or the nature of any litigation before that judge, may create in reasonable minds the "perception of impropriety."

In addition, the Judge must still abide by other specific requirements, for example, not to engage in ex parte contact concerning a matter before that Judge. See S.C.A.C.R. 501, Canon 3B(7)

A. Camden Lewis

Henry F. Floyd

James A. Spruill, III

December 29, 1998