

**ADVISORY COMMITTEE ON STANDARDS OF JUDICIAL CONDUCT  
OPINION NO. 8 - 2023**

RE: Propriety of a candidate for the Court of Appeals serving as the regional Chairperson for a private, nonprofit foundation that awards scholarships to undergraduate students.

**FACTS**

A candidate for the Court of Appeals has, for approximately ten years, served as regional Chairperson for a private, nonprofit foundation (“the Foundation”) related to an out-of-state-public university. The Foundation, among other things, awards full, merit-based scholarships to undergraduate students matriculating at the university. As part of the selection process, each high school may nominate a senior to be considered. These nominees are then interviewed in their geographic region and each region selects a finalist to attend a national selection weekend, where final decisions about the scholarship are made. The candidate chairs a region in South Carolina. The job is volunteer and it involves communicating with the Foundation and nominees, scheduling and conducting interviews, and then leading the selection committee in choosing the region’s finalist. The judge asks if continued service for the coming year, while also a judicial candidate, is permissible under the Canons.

**CONCLUSION**

A judicial candidate may serve as regional Chairperson for a private, nonprofit foundation that awards scholarships to undergraduate students.

**OPINION**

According to the Canons, a judge’s extra- judicial activities should not: (1) cast reasonable doubt on the judge's capacity to act impartially as a judge; (2) demean the judicial office; or (3) interfere with the proper performance of judicial duties. Canon 4A. However, as noted in the

Commentary, “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.” In addition, Canon 4C(3) expressly permits judges to serve as officers or directors of educational organizations where those organizations are “not conducted for profit” and the judge acts as a “non legal advisor.” S.C.A.C.R. 501, Canon 4C(3).

In Opinion 13-2000, we addressed the propriety of a circuit court judge serving on a committee responsible for choosing the recipient of a scholarship at the University of South Carolina School of Law. We found that the committee was a nonprofit educational organization and thus, the judge was permitted to serve on the committee. We see no reason to deviate from that logic here. Therefore, we find that a candidate for judicial office may continue to serve as the regional Chairperson for a private, nonprofit foundation that awards scholarships to undergraduate students.

s/ Usha Jeffries Bridges  
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock  
KEITH M. BABCOCK

August 21, 2023