

**ADVISORY COMMITTEE**  
**ON STANDARDS OF JUDICIAL CONDUCT**

OPINION NO. 10 - 2022

RE: The propriety of a part-time ministerial recorder serving while also acting as a court-monitoring specialist with Mothers Against Drunk Driving.

**FACTS**

A candidate for a part-time ministerial recorder position also acts a court-monitoring specialist for Mothers Against Drunk Driving (MADD). According to S.C. Code Ann. § 14-25-115, a ministerial recorder has “the power to set and accept bonds and recognizances and to issue summonses, subpoenas, arrest warrants, and search warrants....” The court-monitoring specialist position for MADD is a grant-funded position to observe proceedings for the collection of data for first-offense Driving Under the Influence (DUI) cases. The candidate does not identify herself to the Court or anyone associated with the cases and she does not approach or speak to anyone involved in the cases, whether prosecution, defense, officers, victim, etc. The candidate does not distribute any pamphlets or brochures on behalf of MADD. She is only present in the courtroom to observe the proceedings for the collection of data. The hiring judge inquires as to whether the candidate can serve as a part-time ministerial recorder.

**CONCLUSION**

A part-time ministerial recorder should not also serve as a court monitor for MADD.

**OPINION**

A part-time judge is a judge within the meaning of the Code of Judicial Conduct, and compliance with the Code is required unless specifically excepted. Application Section E. Part-time judges are not prohibited from employment by a business entity. See, Application of the Code of Judicial Conduct, Section C; see also, Canon 4D(3). However, part-time judges are required to

comply with Canon 2, which requires that a judge act in a manner that promotes the public confidence in the impartiality of the judiciary, and that the judge must avoid the appearance of impropriety.

South Carolina Code Ann. § 14-25-115 describes the powers and duties of a ministerial recorder, which include “the power to set and accept bonds and recognizances and to issue summonses, subpoenas, arrest warrants, and search warrants in all cases arising under the ordinances of the municipality...” As such, a ministerial recorder may issue warrants on cases involving DUI charges.

While the candidate does not announce herself as a consultant when observing trials, her employment is likely to become known if she ascends to the bench. Her relationship with MADD could create the appearance of partiality or bias against those suspected or accused of drunk driving, in cases in which the ministerial recorder is asked to issue warrants. Thus, a ministerial recorder should not also be employed as a consultant by MADD.

s/ Usha Jeffries Bridges  
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock  
KEITH M. BABCOCK

June 15, 2022