

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 12 - 2021

RE: Propriety of a Municipal Judge holding the position of Victim's Advocate in another county.

FACTS

A Municipal Judge inquires into the propriety of holding the position of Victim's Advocate in city that is located in a different county than the Municipal Court on which the judge serves.

CONCLUSION

It is improper for a Municipal Judge to also hold the position of Victim's Advocate, even if the advocate position is in a different county than the Municipal Court on which the judge serves.

OPINION

We have previously addressed employees of a Municipal Judge acting as Victim's Advocate (albeit in the same municipality) and found that it was not proper. See, Opinions 16-1997 and 19-2001. In 19-2001, we stated:

Rule 501, Canon 1 of the Judicial Code requires a judge to "uphold the integrity and independence of the judiciary." Rule 501, Canon 1, SCACR. The commentary to Canon 1 states that "[p]ublic confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility." In this situation, the public may question the impartiality and independence of the judiciary if a Municipal Clerk also held the positions of Records Clerk to the Police Department and Victim's Advocate.

We also noted that a judge must "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Rule 501, Canon 2, SCACR. According to the commentary to Canon 2, "the test for appearance of impropriety is whether the conduct would

create in a reasonable mind a perception that the judge’s ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.” Rule 501, Canon 2, SCACR.

Responsibilities of a Victim’s Advocate may vary. However, an advocate’s duties may include reading incident reports, creating safety plans, meeting with victims at the hospital, attending bond hearings, working with police investigators, making referrals to counselors, helping secure vouchers for items such as food and diapers, and informing victims about services they can access, such as battered women shelters and funds for medical expenses. Because a Victim’s Advocate works closely with victim and may also work closely with investigators and the court system, the impartiality of the inquiring judge, even if serving as an advocate in another county, could be questioned. Thus, such service is not permitted under the Code.

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

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES

s/ Keith M. Babcock
KEITH M. BABCOCK

September 2, 2021