

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 14 - 2022

RE: Propriety of a Supreme Court Justice, who is also the chairperson of a church council, informing other council members and church congregants on the procedure for disaffiliation from the national church organization.

FACTS

The inquiring judge is a Supreme Court Justice who also is a member of a local church. The Justice is the chairperson of the church council, which is essentially an administrative board. The church's Book of Discipline sets forth the duties of the church council and its chair. The Book of Discipline is also the authority for the governance of each local church, as well as national governance.

The church now faces a potential split over issues pertaining to the ordination of clergy who are practicing homosexuals and pertaining to clergy presiding over same-sex marriages inside or outside the walls of the church. The Book of Discipline currently prohibits these practices. If a local church disagrees with the foregoing prohibitions in the Book of Discipline, and if the local church wants to "disaffiliate" from the national church organization, there is a very involved process the local church must follow. There is a great degree of confusion among local churches in South Carolina and nationwide as to the ability of local churches to "disaffiliate" from the national church organization when a local church disagrees with the provisions of the Book of Discipline regarding the foregoing particulars.

The Justice believes that the responsibility of the chair of church council is not to take sides in the merits of the disputes between the members of the church who have competing views, but rather to educate the congregation (and the church council) about what the Book of Discipline says

about the procedure of disaffiliation. In other words, the Justice intends to merely read and explain the procedure as set forth in the Book of Discipline. The Justice seeks an opinion as to the propriety of communicating with the congregation, without taking a position on the merits, as to what the Book of Discipline says about disaffiliation or whether the Justice should abstain from involvement in this issue.

CONCLUSION

A Supreme Court Justice serving as chairperson of a church council may inform other council members and inquiring church members about the procedure for disaffiliation from the national church organization.

OPINION

Canon 4C(3) permits a judge to serve as an officer or director of a religious organization, subject to the other requirements of the Code of Judicial Conduct. Canon 2A states that a judge should act all times in a manner that promotes the public confidence in the integrity and impartiality of the judiciary.

The Justice can advise other council members and church congregants as to the procedure for disaffiliation from the national church organization by reading and explaining the relevant portions of the Book of Discipline. By simply advising of the procedure, the Justice can maintain the impartiality and propriety of the judiciary.

s/ Usha Jeffries Bridges
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock
KEITH M. BABCOCK

September 19, 2022