

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

OPINION NO. 6 - 2022

RE: Part-time judge as an honorary member of the South Carolina Sheriffs' Association.

**FACTS**

A recently appointed part-time magistrate judge inquires into the propriety of retaining an honorary membership in the South Carolina Sheriffs' Association.

**CONCLUSION**

A magistrate judge should not maintain a membership in the South Carolina Sheriffs' Association.

**OPINION**

Canon 4 of the Code of Judicial Conduct provides that a judge may participate in governmental, civic and charitable activities. However, Canon 2 also requires that judges act at all times in a manner that promotes the public confidence in the integrity and impartiality of the judiciary.

Magistrates have criminal trial jurisdiction over all offenses subject to the penalty of a fine, as set by statute, but generally, not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. S.C. Code Ann. § 22-3-550. In addition, they are responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants. See, generally, S.C. Code Ann. §§ 22-5-10 to 22-5-720. In these criminal cases, officers from the county Sheriff's office are likely to be witnesses. In addition, an officer may also prosecute traffic offenses in which he or she was the arresting officer.<sup>1</sup> Retaining membership, albeit honorary, in the South Carolina Sheriffs'

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<sup>1</sup> See, e.g., *State v. Messervy*, 258 S.C. 110, 187 S.E.2d 524 (1972)(Procedure whereby patrolman, who arrested defendant for traffic violation, presented State's case in magistrate's

Association, when the members of the county Sheriff's office will regularly appear as a prosecutor or witness, would erode the public confidence in the integrity of the judiciary and convey a sense of partiality on behalf of the judge. Thus, the judge should resign his or her membership in the South Carolina Sheriff's Association.

s/ Usha Jeffries Bridges  
USHA JEFFRIES BRIDGES, CHAIR

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

s/ Keith M. Babcock  
KEITH M. BABCOCK

May 9, 2022

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court without assistance of prosecuting attorney was not improper); *State ex rel. McLeod v. Seaborn*, 270 S.C. 696, 244 S.E.2d 317 (1978) (prosecution of misdemeanor traffic violations did not constitute unlawful practice of law.)