

1979 WL 43578 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1979

***1 RE: Serving on the Board of Directors of a Local Bank**

Honorable L. Mendel Rivers, Jr.
Family Court Judge
9th Judicial Circuit
P. O. Box 934
Charleston, SC 29402

Dear Judge Rivers:

You have requested the opinion of the Board of Commissioners on Judicial Standards regarding the propriety of serving on the Board of Directors of a local bank. Howard L. Chappell, Executive Secretary of the Board advised you on June 12, 1978, that it was the view of the Board of Commissioners that such an activity conflicted with the requirements of Canon 5 of the Code of Judicial Conduct and advised you that the Board sought the opinion of this Office regarding its views. This is to advise you that this Office shares the view of the Board of Commissioners on the propriety of a judge serving on the Board of Directors of a local bank. Canon 5 of Rule 33 of the Rules of the South Carolina Supreme Court, C(1) and (2) address the question most clearly. The Rule states that:

Subject to the requirements of subsection (1) a judge may hold and manage investments including real estate and engage in other remunerative activity but should not serve as an officer, director, manager, adviser, or employee of any business.

Certainly, a bank is a 'business' within the meaning of the Rule and therefore, it would be improper for a judge to serve as a member of the Board of Directors of a bank.

I hope this has been of some assistance to you.

Very truly yours,

Katherine W. Hill
Assistant Attorney General

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