

SUPREME COURT OF SOUTH CAROLINA

In re Conway

364 S.C. 326 (2005) · Decided May 9, 2005

SUMMARY

The South Carolina Supreme Court accepted a judicial disciplinary agreement by consent concerning a former magistrate’s mishandling of bond money and inadequate financial recordkeeping. The Court issued a public reprimand and prohibited the respondent from seeking or accepting judicial office in South Carolina without the Court’s permission.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Moore; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	May 9, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary matter arising from an Agreement for Discipline by Consent between the respondent and the Office of Disciplinary Counsel.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- administrative law
- agency adjudication

PRACTICE AREAS

- judicial discipline
- professional responsibility

QUESTIONS PRESENTED

- Whether the Supreme Court should accept the respondent's Agreement for Discipline by Consent.
- What sanction should be imposed for the respondent's failure to receipt and deposit bond money, failure to maintain accurate financial records, and related violations of judicial conduct rules.

HOLDINGS

1. The Court accepted the Agreement for Discipline by Consent.
2. Respondent violated Canons 1, 1(A), 2, 2(A), 3, 3(A), and 3(C) of the Code of Judicial Conduct, as well as Rules 7(a)(1) and 7(a)(7) of the Rules for Judicial Disciplinary Enforcement.
3. Respondent was publicly reprimanded and barred from seeking or accepting judicial office in South Carolina without prior permission of the Court and notice to Disciplinary Counsel.

KEY QUOTATIONS

“We accept the Agreement for Discipline by Consent and issue a public reprimand.” (329)

“PUBLIC REPRIMAND.” (329)

FACTUAL BACKGROUND

While serving as a magistrate, Respondent accepted \$650 in cash as a criminal defendant's bond but failed to receipt or deposit the money and maintained no record of the transaction. After the matter was discovered, Respondent acknowledged receiving the money, suggested it may have been commingled with personal funds, and repaid the \$650 with borrowed funds. An audit also revealed that Respondent had deposited personal money into his magisterial account because he believed there might be a shortage.

PROCEDURAL HISTORY

The respondent admitted misconduct and consented to discipline under Rule 21 of the Rules for Judicial Disciplinary Enforcement. The Supreme Court of South Carolina accepted the agreement and imposed a public reprimand, together with restrictions on seeking or accepting future judicial office without the Court's permission.

DISPOSITION

other

CASES CITED

- In re O’Kelley, 361 S.C. 329, 603 S.E.2d 410 (2004)
- In re Gravely, 321 S.C. 235, 467 S.E.2d 924 (1996)