

SUPREME COURT OF SOUTH CAROLINA

In re Richland County Magistrate Stocker

362 S.C. 486 (2005) · Decided February 7, 2005

SUMMARY

The South Carolina Supreme Court reviews two Agreements for Discipline by Consent involving a Richland County magistrate. The court finds misconduct involving delays in handling cases, improper ex parte communications, conflicts of interest, intervention in a criminal matter, and unauthorized contempt proceedings. It imposes a public reprimand under the first agreement and a thirty-day suspension from judicial duties under the second.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Toal, C.J.; Moore, J.; Waller, J.; Burnett, J.; Pleicones, J.
JURISDICTION	South Carolina
DECIDED	February 7, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary matter submitted to the Supreme Court of South Carolina under two Agreements for Discipline by Consent.
PRECEDENTIAL VALUE	Published opinion; disciplinary disposition and application of the South Carolina Code of Judicial Conduct and Rules for Judicial Disciplinary Enforcement.
PARTIES	Office of Disciplinary Counsel

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

judicial discipline

professional responsibility

administrative law

QUESTIONS PRESENTED

- Whether the misconduct admitted in Agreement 1 warranted a public reprimand.

2. Whether the misconduct admitted in Agreement 2 warranted a thirty-day suspension from judicial duties.
3. Whether the two Agreements for Discipline by Consent should be accepted.

HOLDINGS

1. The court accepted Agreement 1 and imposed a public reprimand for respondent's misconduct involving delayed judicial action, inadequate office supervision and communication, and failure to timely perform official duties.
2. The court accepted Agreement 2 and imposed a definite suspension of thirty days from judicial duties for respondent's misuse of judicial office, ex parte communications, improper involvement in a criminal matter involving a relative, unauthorized contempt order and incarceration, and other judicial misconduct.

KEY QUOTATIONS

"Alright, well you didn't do what I asked you to do and I have no other choice. I have no choice but to cite you for contempt and send you to jail for thirty days or you can pay a \$500 fine." (at 493)

"We therefore accept the two Agreements for Discipline by Consent and hereby publicly reprimand respondent and suspend him from his judicial duties for thirty (30) days." (at 496)

FACTUAL BACKGROUND

Respondent, a Richland County magistrate, permitted substantial delays and inadequate communication in civil matters, including failing to timely advance a case, failing to respond to correspondence, and failing to submit an appellate return. In a separate series of matters, he used his judicial office in connection with a criminal warrant involving a relative and acquaintances, engaged in ex parte communications, attempted to influence bond, and discussed pending charges with involved persons and another magistrate. He also ordered a judgment debtor to obtain employment and held her in contempt and jailed her without legal authority.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into two disciplinary agreements under Rule 21, RJDE. The court accepted both agreements, imposing a public reprimand under Agreement 1 and a thirty-day suspension from judicial duties under Agreement 2.

DISPOSITION

other