

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Kenneth E. Johns, Jr.

418 S.C. 364 (2016) · No. Appellate Case No. 2016-001996 · Decided November 16, 2016

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and suspended Oconee County Probate Court Judge Kenneth E. Johns, Jr. for six months, retroactive to April 12, 2016. The suspension was based on social media posts concerning a probate estate, political endorsements, and fundraising activity, which violated provisions of the Code of Judicial Conduct and the Rules for Judicial Disciplinary Enforcement.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few
JURISDICTION	South Carolina
DECIDED	November 16, 2016
DOCKET	Appellate Case No. 2016-001996
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 disciplinary opinion

TOPICS

probate appellate procedure

PRACTICE AREAS

judicial discipline legal ethics probate

QUESTIONS PRESENTED

1. Whether the respondent's admitted Facebook comments, political activity, and fundraising activity violated the specified provisions of the South Carolina Code of Judicial Conduct and Rules for Judicial Disciplinary Enforcement.

2. What disciplinary sanction should be imposed under the Agreement for Discipline by Consent.

HOLDINGS

1. The respondent's Facebook comments concerning a probate matter, political posts, and fundraising activity violated the specified provisions of Canons 1, 2, 4, and 5 of the Code of Judicial Conduct and Rules 7(a)(1) and 7(a)(9) of the Rules for Judicial Disciplinary Enforcement.
2. The respondent's misconduct warranted a six-month suspension from judicial duties, retroactive to April 12, 2016, the date of his interim suspension.

KEY QUOTATIONS

"We therefore accept the Agreement for Discipline by Consent and suspend respondent from office for six (6) months." (418 S.C. 364)

FACTUAL BACKGROUND

Kenneth E. Johns was the Oconee County probate court judge during administration of an estate arising from a wrongful-death settlement that received extensive press coverage. On Facebook, he commented on the settlement, made political posts appearing to endorse a presidential candidate, and participated in fundraising for a local church. His public Facebook account identified him as a probate court judge, and he admitted that the conduct violated provisions of the South Carolina Code of Judicial Conduct and the Rules for Judicial Disciplinary Enforcement.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent under Rule 21 of the Rules for Judicial Disciplinary Enforcement. The respondent admitted misconduct and consented to a public reprimand or suspension of up to six months, requesting that any suspension be made retroactive to his interim suspension. The Supreme Court of South Carolina accepted the agreement and imposed a six-month suspension retroactive to April 12, 2016.

DISPOSITION

other