

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Former Lee County Magistrate Alston Wesley Woodham

386 S.C. 495, 689 S.E.2d 605 (2010) · No. No. 26766 · Decided February 8, 2010

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent involving former Lee County Magistrate Alston Wesley Woodham. The court found that his efforts concerning traffic tickets constituted improper ex parte communications and violations of multiple judicial conduct canons, imposed a public reprimand, and restricted his future pursuit of judicial office without court authorization.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn
JURISDICTION	South Carolina
DECIDED	February 8, 2010
DOCKET	No. 26766
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding in which the respondent and the Office of Disciplinary Counsel submitted an Agreement for Discipline by Consent under Rule 21, RJDE, and requested a public reprimand.
PRECEDENTIAL VALUE	Published opinion; establishes and reaffirms the rule that magistrates may not engage in ex parte communications or ticket-fixing.

TOPICS

administrative law

municipal law

PRACTICE AREAS

judicial discipline

professional responsibility

administrative law

municipal law

QUESTIONS PRESENTED

1. Whether the respondent's admitted ticket-fixing and related ex parte communications violated the South Carolina Code of Judicial Conduct and constituted grounds for judicial discipline.
2. Whether the Supreme Court should accept the Agreement for Discipline by Consent and impose a public reprimand on the former magistrate.

HOLDINGS

1. A magistrate may not engage in ex parte communications concerning a pending or impending judicial proceeding with an officer, alleged violator, or any third party, including a legislator; ticket-fixing or attempted ticket-fixing is improper and violates the judicial conduct requirements governing impartiality, integrity, avoidance of impropriety, and prohibition of ex parte communications.
2. The court accepted the Agreement for Discipline by Consent and issued a public reprimand, together with a restriction on respondent's seeking or accepting any judicial position in South Carolina without prior written authorization from the court.

KEY QUOTATIONS

"Accordingly, again we emphasize that it is improper for a magistrate to engage in ex parte communications concerning any pending or impending judicial proceeding with an officer, alleged violator, or any third party, including a member of the legislature." (499)

FACTUAL BACKGROUND

Respondent, a former Lee County magistrate, contacted State Transport police officers and supervisors regarding weight tickets issued to county or municipal trucks and acknowledged involvement in efforts to obtain help on tickets. In one instance, a ticket carrying a \$3,905.25 fine was marked "not guilty" after respondent contacted the officer involved, although respondent disputed requesting assistance. The conduct arose amid reports that officers had been instructed to curtail enforcement at the Lee County Landfill and to reduce or nolle pros certain tickets.

PROCEDURAL HISTORY

The matter was referred to the Office of Disciplinary Counsel after an internal Department of Public Safety investigation concerning alleged ticket-fixing and improper contacts involving Lee County magistrates and State Transport police officers. Respondent admitted misconduct and consented to discipline. The Supreme Court of South Carolina accepted the agreement and imposed a public reprimand after respondent had resigned his magisterial position.

DISPOSITION

other

CASES CITED

- In the Matter of White, 374 S.C. 372, 650 S.E.2d 73 (2007)

- In the Matter of English, 367 S.C. 297, 625 S.E.2d 919 (2006)
- In the Matter of Beckham, 365 S.C. 637, 620 S.E.2d 69 (2005)
- In re O'Kelley, 361 S.C. 30, 603 S.E.2d 410 (2004)
- In re Gravely, 321 S.C. 235, 467 S.E.2d 924 (1996)

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