

SUPREME COURT OF SOUTH CAROLINA

In re Jasper County Magistrate Lynah

345 S.C. 414 (2001) · Decided June 11, 2001

SUMMARY

The South Carolina Supreme Court accepted an agreement in a judicial disciplinary matter involving a Jasper County magistrate who issued a purported judicial-sale notice and bill of sale for a motor vehicle without complying with statutory requirements. The court found violations of Canons 1, 2, and 3 of the Code of Judicial Conduct and suspended the respondent for nine months, retroactive to October 6, 2000.

CASE DETAILS

COURT	Supreme Court of South Carolina
JURISDICTION	South Carolina
DECIDED	June 11, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary matter submitted to the Supreme Court of South Carolina pursuant to an agreement between the respondent and Disciplinary Counsel under Rule 21, RJDE.
PRECEDENTIAL VALUE	Published opinion

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

judicial discipline

administrative law

QUESTIONS PRESENTED

1. Whether the respondent's admitted conduct violated Canons 1, 2, and 3 of the Code of Judicial Conduct.
2. Whether the respondent should be suspended from judicial duties and, if so, for what period.

HOLDINGS

1. By issuing the notice of judicial sale and magistrate's bill of sale under the circumstances described in the agreement, the respondent violated Canon 1, Canon 2, and Canon 3 of the Code of Judicial Conduct;

those violations constituted grounds for discipline under Rule 7(a)(1), RJDE.

2. A nine-month suspension from judicial duties was warranted and was imposed retroactively to October 6, 2000.

KEY QUOTATIONS

“By her conduct, respondent has violated the following canons set forth in the Code of Judicial Conduct, Rule 501, SCACR: Canon 1 (a judge shall uphold the integrity and independence of the judiciary); Canon 2 (a judge shall avoid impropriety in all of the judge’s activities); Canon 3 (a judge shall perform the duties of judicial office impartially and diligently).” (416)

“Accordingly, we hereby suspend respondent for nine months, retroactive to October 6,2000, the date of her interim suspension.” (416)

FACTUAL BACKGROUND

While serving as a Jasper County Magistrate, respondent issued a notice purporting to authorize a judicial sale of a motor vehicle for alleged accrued charges owed to another magistrate. The other magistrate did not qualify for relief under the governing statute, no sale was actually conducted, required advertising and notice were absent, and respondent nevertheless issued a magistrate's bill of sale stating that the vehicle had been sold for \$30. The bill of sale was used to obtain a certificate of title, and the conduct discredited the South Carolina judiciary.

PROCEDURAL HISTORY

The respondent admitted misconduct and consented to the imposition of any sanction authorized by Rule 7(b), RJDE. The Supreme Court accepted the agreement and imposed a nine-month suspension, retroactive to October 6, 2000, the date of the respondent's interim suspension. The criminal or misconduct charges against the respondent had been dismissed, while related investigations continued.

DISPOSITION

other

CASES CITED

- In the Matter of Lynah, 342 S.C. 617, 539 S.E.2d 60 (2000)