

The Supreme Court of South Carolina

Re: Published Summaries of Dismissed Complaints and
Confidential Discipline Issued or Imposed on South
Carolina Judges

Appellate Case No. 2025-000989

ORDER

The Supreme Court of South Carolina has jurisdiction under Article V, Section 4 of the South Carolina Constitution over the administration of the courts in South Carolina, which includes the authority to discipline members of the judiciary for misconduct. The Rules for Judicial Disciplinary Enforcement (RJDE), which are found in Rule 502 of the South Carolina Appellate Court Rules, were promulgated to establish the processing of judicial discipline matters in South Carolina.

The RJDE, which are based on corresponding American Bar Association Model Rules, establish the Office of Disciplinary Counsel as the investigating and prosecuting authority. *See* Rule 5(b), RJDE. The Commission on Judicial Conduct is charged with conducting hearings on formal charges and making findings, conclusions, and recommendations to the Supreme Court for the disposition of matters. *See* Rule 4(g)(2), RJDE. Rule 12 of the RJDE provides, with some exceptions, for confidentiality until after formal charges are filed.

In the case of complaints filed against South Carolina judges, we believe there is a need to better balance the existing rules of confidentiality in judicial disciplinary matters, with the right of the public to know how cases are being resolved. Such knowledge and understanding are critical to ensure the public has confidence that "an independent, fair and competent judiciary will interpret and apply the laws that govern us." CJC Preamble, Rule 501, SCACR.

Specifically, the public must be better informed about what sort of judicial complaints are dismissed. Further, while sanctions like suspension, public reprimand, or removal from office are public, other forms of judicial discipline for minor violations are confidential. These include letters of caution, admonitions,

and deferred disciplinary agreements. *See* Rule 2(a), (g), and (q), RJDE, Rule 502, SCACR. While these sorts of confidential resolutions are permitted only in cases of minor misconduct, the public would also be better served if more information about these matters is made available.

Therefore, we order disciplinary counsel and Counsel for the Commission on Judicial Conduct (Commission counsel) to begin preparing and publishing summaries of all judicial complaints that are dismissed, along with summaries for all cases where a letter of caution, confidential admonition, or deferred discipline agreement is issued or imposed on a judge. These summaries shall be anonymous and must not identify the judge by name, but must include certain details.

Summaries of dismissals must identify the type of judge named in the complaint, include a brief summary of the allegation(s) of judicial misconduct, and state the basis for the dismissal.

Summaries of confidential resolutions of judicial complaints must identify the type of judge named in the complaint, include a brief summary of the nature of the misconduct, and state whether a letter of caution, confidential admonition, or deferred discipline agreement was issued or imposed.

Disciplinary counsel and Commission counsel shall prepare these summaries for all complaints that are dismissed or resolved by a letter of caution, confidential admonition, or deferred discipline agreement on or after July 1, 2025. These summaries shall be published on the Judicial Branch website on a quarterly basis beginning no later than November 1, 2025. Additional summaries shall be prepared and published on a quarterly basis unless otherwise ordered by this Court.

s/ John W. Kittredge C.J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

s/ Letitia H. Verdin J.

Columbia, South Carolina
June 25, 2025