

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

May 7, 1976

Reference is made to your letter of April 26, 1976, with attached copy of Act No. 11 - H.J.R. 18-Owens, House Joint Resolution Creating the Cahaba River Commission, requesting our opinion as to whether your serving as a member of the commission would violate any rule of ethics in force governing the conduct of an active Supernumerary Circuit Judge.

Canon 5 of the Canons of Judicial Ethics is entitled, "A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict with His Judicial Duties." Subsection G of Canon 5 (page 23) provides as follows:

"Extra-judicial Appointments:

"It is desirable that a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice or unless required by law. A judge, however, may represent his county, state, or locality on ceremonial occasions or in connection with historical, educational and cultural activities."

It would appear that in making recommendations as a member of the Cahaba River Commission you would necessarily be concerned with "issues of fact or policy on matters other than the improvement of the law," etc. Accordingly, we are constrained to express the opinion that it is desirable for you not to accept the appointment.

This Commission is unaware of any qualifying provisions relating to the application of the canons to Supernumerary Judges. If you have knowledge of any such qualifying provisions, please call them to our attention and give us the opportunity of reconsidering this opinion.