

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
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MONTGOMERY, ALABAMA 36104

February 28, 1977

On January 27, 1977, you requested an advisory opinion of this Commission regarding the propriety of your continuing to serve as Guardian of two incompetent Veterans in your present position as Circuit Judge.

### ADVISORY OPINION

Canon 5, (D), Canons of Judicial Ethics, provides as follows:

“A judge should not serve as executor, administrator, guardian, or other fiduciary, if such service will interfere with the proper performance of his judicial duties....”

It is the opinion of this Commission that you may continue to serve in this capacity, but only so long as such service will not interfere with the proper performance of your judicial duties. If this should interfere with your duties, you would be compelled to resign and your failure to do so would constitute a breach of the Canons.