

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

October 4, 1977

Your request for an advisory opinion is as follows:

“Whether it is unethical for a judge to draft By-Laws and Articles of Incorporation for a charitable, non-profit organization with which he is connected.”

It is the opinion of this Commission that such action by a Circuit Judge would be in violation of the Canons of Judicial Ethics. More specifically, such action would be in violation of Canon 5 of the Alabama Canons of Judicial Ethics. The permissible civic and charitable activities allowed of a judge are set out in Canon 5B which provides in pertinent part:

“A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization....”

It is our opinion that in drafting legal documents a judge would be acting as a legal advisor of the organization. Canon 5B does not condone such activity.