

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

November 17, 1980

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge may for remuneration manage the investments of a professional association of medical doctors. You state in your opinion request that the professional association will not in any way interfere with the proper performance of the judge's judicial duties nor exploit his judicial duties. You further state the members of the association do not come before the judge's court and that thus the judge's employment would not reflect on his impartiality. The position in question would also not involve the judge's giving legal advice to the association or its members.

As you are aware, the financial activities of judges are governed by Canon 5C of the Alabama Canons of Judicial Ethics. The pertinent portion of Canon 5C is as follows:

“(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.

(2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified.”

Based on these provisions, it is the opinion of the Commission that a judge may hold and manage investments for a professional association so long as he complies in all respects with all the provisions of Canon 5C, especially those cited above. However, if a judge undertakes the operation of such a business, the Commission cannot predict whether factual circumstances might arise which would place the judge in conflict with this Canon.

Sincerely,

JUDICIAL INQUIRY COMMISSION