

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

November 22, 1982

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge, who is a founder and director of a juvenile detention facility, can accept a donation or contribution on behalf of the building fund of that facility which has been established specifically for referrals from his court. It is understood that the judge will not solicit or attempt to raise any such monies, but he is publically identified with the facility which has the building fund. It is assumed that there are non-judicial officers available to accept such contributions or donations if necessary.

Canon 5B(2) provides that:

It is desirable that a Judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution.

(emphasis added). In view of the provisions of Canon 5B, it is the opinion of the Commission that it is desirable that a judge not accept donations or contributions under the stated circumstances. For a judge to do so, even though he does not personally solicit or attempt to raise such funds, would create an unnecessary risk that the prestige of his office would be used, albeit Indirectly, for such solicitation or fundraising. This is particularly true since there are other non-judicial officers available to accept contributions and donations.

Sincerely,

JUDICIAL INQUIRY COMMISSION