

Judicial Inquiry Commission

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May 5, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a district court judge may serve as a “public sector” member of the Board of Directors of a county community action agency. The Judge has been selected by the county commission to serve in this position.

A community action agency is a local non-profit organization, which has a policy making Board of Directors. The composition of the Board is one-third recipients of services (welfare), one-third local elected officials and one-third representatives of community service organizations. The agency receives and administers state and federal funds as well as funds from other sources. Several of the county community action agencies have judges serving on their Boards of Directors. The agencies’ services may vary from county to county. These services include meals and transportation for the elderly, head start programs, and distribution of commodities. In this instance, the judge informs the Commission that the Board of Directors meets about four times a year, and the position of the Board carries with it no compensation.

It is the opinion of the Commission that a judge may serve as a “public sector” member of a local community action agency.

A judge’s extra-judicial activities are governed by Canon 5 of the Alabama Canons of Judicial Ethics. Canon 5 does not preclude a judge from serving as a “public sector” member of the Board of Directors of a private, non-profit community service organization where such service will not interfere with the proper performance of his judicial duties or detract from the dignity of the judicial office; where the judge will not be involved in fund raising; and where the organization will not be engaged in proceedings which would ordinarily come before the judge.

Very truly yours,

JUDICIAL INQUIRY COMMISSION