

Judicial Inquiry Commission

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August 1, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge may serve as a member of a Hospital Advisory Board. It is the understanding of the Commission that the Board is purely advisory.

A judge's extra-judicial membership in civic and charitable organizations is governed by Canon 5B of the Alabama Canons of Judicial Ethics. That Canon provides:

"A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization or institution not conducted for the economic or political advantage of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization or institution will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.
- (2) 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.
- (3) A judge should not give investment advice to such an organization or institution, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions."

Based on this Canon it is the opinion of the Commission that a judge may serve on the Hospital Board so long as such service does not violate the restrictions placed on the judge by this Canon. Should such membership interfere with the proper performance of the judge's judicial duties or in any other way violate the restrictions of Canon 5B the judge should resign his membership. Failure to do so would constitute a violation of Canon 5B.

Yours very truly,
JUDICIAL INQUIRY COMMISSION