

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge's name may appear as judge on the stationery of an educational foundation which he serves along with six other persons as a trustee and board member. The stationery would be used to describe the foundation and to invite the recipient of correspondence to contribute to the foundation. You state further that the educational foundation has the sole purpose of setting up a scholarship fund to assist qualified students and applicants by providing scholarships at a certain state school. The school is outside the judge's judicial circuit and it is unlikely that any proceeding involving the institution would ever be filed in the judge's court. Also, it appears to be unlikely that the judge would be called upon for advice as to the investment of the funds of the foundation.

While Canon 5B of the Alabama Canons of Judicial Ethics permits a judge to participate in civic and charitable activities under certain circumstances, that Canon further specifically provides as follows:

"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."

It is the opinion of the Commission, based upon this Canon, that a judge should not permit the use of his name as judge on stationery that he knows will be used for the purpose of soliciting funds. This does not mean that the judge's name may not be listed as an officer, director or trustee of such an organization. He may be so listed. However, he may not be so listed as judge where he knows that the document on which he is so listed will be used for the purpose of soliciting funds. To do otherwise would "permit the use of the prestige of his office for the purpose of soliciting funds" in violation of the foregoing Canon.

Very truly yours,

JUDICIAL INQUIRY COMMISSION