

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

February 19, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge may be a member of an organization which hosts an annual fund raising event for charity. This year the fund raising event consists of a casino night in which chips are purchased and donated items are auctioned for chips at the end of the function. All proceeds go to charity.

It is the opinion of the Commission that under the Alabama Canons of Judicial Ethics a judge is not prohibited from participating in the described activity or from membership in the organization. However, direct solicitation of funds is to be discouraged.

A judge's civic and charitable activities are governed primarily 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 nonlegal 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.

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This provision strongly discourages but does not prohibit charitable fund solicitation by judges.

If a judge does engage in the solicitation of funds for a charitable organization, he must be ever mindful of all of the provisions of this Canon and of the high standards required by Canons 1 and 2 .

Sincerely,

JUDICIAL INQUIRY COMMISSION