

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

December 12, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge may serve as a member of the Advisory Board of a local Child Advocacy Center. Under the facts stated, the Center has a separate Board of Directors. The Center is used by the county Sheriff's Department, the Police Department, the District Attorney's office, the local Department of Human Resources, the Medical Center, the public schools, other community service organizations and individuals and other health care organizations and individuals. It is also stated that the duties of the Advisory Board would include fund raising, speaking engagements in the community concerning child abuse, acting as the Center's eyes and ears in the larger community and give input about program directions and new services. Meetings would be scheduled for twice a year and more often as needed. The Board would consist of a broad mixture of civic, community, educational, medical and business leaders.

It is the opinion of the Commission that the judge may serve on the Child Advocacy Center's Advisory Board so long as he may do so in keeping with the restrictions set out in Canon 5 of the Alabama Canons of Judicial Ethics.

Canon 5 provides in pertinent part as follows:

A Judge Should Regulate His Extra-Judicial Activities To Minimize the Risk of Conflict with His Judicial Duties

B. CIVIC AND CHARITABLE ACTIVITIES:

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.

In this instance, a judge must examine the duties to which he is assigned by virtue of his position as judge and the activities in which he is being asked to participate. He must make every effort to avoid giving the appearance of a predisposition in matters that are likely to come before him and to avoid participation in matters which may otherwise cause his disqualification in such matters. If it is likely that service on the Center's Advisory Board could thusly "reflect adversely upon his impartiality or interfere with the performance of his judicial duties," a judge must not participate as a member.

Sincerely,

JUDICIAL INQUIRY COMMISSION