

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
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MONTGOMERY, ALABAMA 36104

April 3, 1990

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a retired circuit judge may serve as a private mediator or arbitrator for compensation.

It is the opinion of the Commission that whether under the Alabama Canons of Judicial Ethics a retired judge is prohibited from serving as a private mediator or arbitrator depends on whether or not the retired judge is serving as a full-time active retired judge. As you are aware, Canon 5E specifically prohibits a judge from serving as any arbitrator or mediator. However, under the "Compliance" section of the Canons, retired and supernumerary judges are not required to comply with Canon 5E. See Compliance, Section D (2). However, retired or supernumerary judges, who are serving in a full-time active capacity on a circuit court or other court of this state, must comply with all of the provisions of the Canons as does any other active full-time judge. In this regard, a retired judge should be considered to be serving full-time as a circuit or district judge if he serves full-time in a particular circuit or district. If a judge merely hears cases from time to time, he should not be considered to be full-time.

Sincerely,

JUDICIAL INQUIRY COMMISSION