

Judicial Inquiry Commission

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This is in response to your request for an Advisory Opinion from the Judicial Inquiry Commission. Your question is:

“May a retired district judge lobby in behalf of a bill increasing his retirement benefits and that of 28 other judges and also lobby in behalf of other bills affecting the judicial system?”

A retired district judge is not prohibited by the Alabama Canons of Judicial Ethics from lobbying before the state legislature. Canon 7D provides, in pertinent part:

“Retired and supernumerary justices or judges, who are not serving on the Supreme Court or on either of the courts of appeals or on any circuit court or district court in the state, in an active duty status, shall not be required to comply with any of these Canons.”

An active retired judge is not prohibited from communicating with a member of the legislature on matters concerning the law, the legal system, and the administration of justice including the compensation of judges and court personnel. Canon 4B provides that a judge “may appear at a public hearing before an executive or legislative body or official and may otherwise consult with an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice”. However, in doing so a judge must scrupulously honor the admonition of Canon 4 that the judge “not cast doubt on his capacity to decide impartially any issue that may come before him.”

The Commission notes that Advisory Opinion 88-22 issued by the Florida Committee on Standards of Conduct Governing Judges holds that judges may communicate with legislators on behalf of judicial assistants in order to obtain salary increases for judicial staff. The reasoning is that aiding salary increases may serve the judicial system because of a likely improvement in the quality of applicants seeking employment due to the higher salaries.

The Commission thanks you for your request.