

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

October 29, 1993

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you may serve as a member of the board of directors of The Bridge, Inc., a chemical dependency and substance abuse treatment center under the following circumstances, provided in your letter of request:

“The Bridge has a contract with the State of Alabama through which it is paid by the State for services rendered on a per patient basis. As a circuit judge, I have referred cases directly to The Bridge, and others are referred through the Court Referral Officer. Because The Bridge receives compensation on a per client basis, the more referrals which it receives, the more income which The Bridge has for its program.”

It is the opinion of this Commission that under these circumstances the Alabama Canons of Judicial Ethics absolutely prohibit your service on the board of trustees.

Serving as a member of the board of trustees of the same institution to which you refer persons for treatment has all the appearance of impropriety even though you receive no personal financial gain from any referral. Such service would constitute a violation of Canon 2.

Canon 5B provides that a judge should not participate in civic and charitable activities “if it is likely that the organization or institution will be engaged in proceedings that would ordinarily come before him.” See Advisory Opinion 88-339 (The judge may not lease a building to the Regional Council on Alcoholism to conduct legally mandated driving schools for convicted DUI offenders, where the judge hears DUI appeals from municipal and district court and to which the judge refers fee-generating clients); Advisory Opinion 87-293 (A district court judge may not serve as an officer or member of the board of directors of a local Child Advocacy Center where the judge is assigned to sit in preliminary hearings and to hear misdemeanors involving child abuse offense and the center is directly involved in the investigation and prosecution of child abuse complaints).

A judge should ensure that he or she has no non-judicial connection with any facility to which a defendant is sentenced by the judge. Advisory Opinion 93-468 (where there are two rehabilitative facilities available for alternative sentencing, the sentencing judge should avoid the appearance of impropriety by making reasonable efforts to insure that neither facility is favored over the other).

This opinion has been considered by and is the opinion of the Judicial Inquiry Commission.