

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

June 24, 1994

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission.

It is the opinion of this Commission that a district court judge may serve on the board of directors of a shelter house for victims of domestic violence if the judge can comply with the provisions of Canon 5, Alabama Canons of Judicial Ethics.

Canon 5 requires:

- 1) The judge's service will not reflect adversely upon the judge's impartiality or interfere with the proper performance of the judge's judicial duties. Canon 5B See Advisory Opinion 87-293 (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).
- 2) The shelter must not be conducted for the economic or political advantage of its members. Canon 5B.
- 3) The judge may not serve as a member of the board of directors of the shelter if the shelter will be engaged in proceedings which would ordinarily come before the judge. Canon 5B(l).
- 4) The shelter will not be regularly engaged in adversary proceedings in any court. Canon 5B(l).
- 5) The judge should not be involved in fund raising. Canon 5B(2).
- 6) The judge may not give investment advice to the shelter. Canon 5B(3).

This Commission has addressed similar matters in past advisory opinions. 93-502 (judge may serve as a member of the board of directors of a community corrections program), 89-389 (may serve as a member of the advisory board of a local child advocacy center), 87-304 (may serve as a member or chairman of the board of directors or board of trustees of a private nonprofit corporation whose primary purpose is to formulate and implement strategies for education and prevention of drug and alcohol abuse), 83-189 (may serve on the board of directors of a local child abuse 94-

524

Page 2

awareness and prevention group), 80-80 (may serve as the chairman of the Board of Directors of the Regional Council on Alcohol).

If a defendant appears in your court facing assault or harassment charges involving a victim who is a current resident of the shelter, you must disclose the existence of your board membership to the parties and their attorneys if you have knowledge of that fact. This disclosure is necessary in order to avoid the appearance of impropriety. Canon 2.

This advisory opinion has been considered by and is the opinion of the entire Commission.

Respectfully Submitted,