

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

August 26, 1994

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

Your question is whether you, as presiding juvenile court judge, may authorize payments from the Juvenile Justice Fund to a non-profit corporation of which you are a member of the board of directors.

By local legislative act, the presiding juvenile court judge of Talladega County is authorized to expend funds from the Talladega County Juvenile Court System Fund. Pursuant to that act, the juvenile court and the county and local school systems propose to contract with a non-profit, private corporation, the Tri-Systems Learning Center, Inc., for the operation of a youth center. The Alabama Attorney General has determined that the proposed expenditure "is a legal expenditure." Opinion of the Attorney General, July 21, 1994. The State Department of Examiners of Public Accounts "has no audit objections to expenditures from the Talladega Juvenile Court System pursuant to the contract." Letter from Examiners of Public Accounts, July 5, 1994.

Although there is no ethical prohibition against either your administering the Juvenile Court System Fund as authorized by law or your membership on the board of directors of the non-profit corporation which will receive financial resources from that Juvenile Fund, it is the opinion of this Commission that you may not administer funds to the same corporation of which you are a board member. Service in both capacities lends itself to the "appearance of impropriety" and does not tend to "promote public confidence in the integrity and impartiality of the judiciary." Canons 2, 2A, Alabama Canons of Judicial Ethics. Because service as a board member will interfere with the "proper performance of [your] judicial duties," it is also the opinion of this Commission that you should resign your membership on the board of directors of the TriSystems Learning Center, Inc. See Canons 4, 5B, 5B(2).

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