

## Judicial Inquiry Commission

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October 3, 1997

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge may serve on the board of directors of a bank and, if so, whether the judge may receive remuneration for such service.

It is the opinion of the Commission that a judge may serve on the board of directors of a bank and may receive the normal remuneration for such service. However, he should be ever mindful of the provisions of Canon 2C that a judge "should not lend the prestige of his office to advance the private interests of others; nor should he convey nor permit others to convey the impression that they are in a special position to influence him." The Commission has considered the first issue in the past and has opined that a judge may serve as a director of a bank where such service is purely advisory and does not include decision making in the day to day operation of the bank. (See Advisory Opinion 94-474.) The Commission further noted in that opinion that, under Canon 3C(l)(c), the judge would be disqualified from hearing any proceeding involving the bank but that such disqualification could be remitted by following the procedures set out in Canon 3D. We note further that Canon 2C prohibits the lending of the prestige of the judicial office to advance the private interests of others. Others in this instance include the bank where the judge serves as director.

As to your second question, the judge who serves as a bank director would not be prohibited from receiving the remuneration allowed other directors. His remuneration should, of course, be commensurate with remuneration normally paid for such service to avoid any appearance of impropriety.

Yours very truly,

JUDICIAL INQUIRY COMMISSION