

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: MARCH 12, 2004

ADVISORY OPINION 04-837

SERVING AS PRESIDENT OF CHARITABLE ORGANIZATION

engaged in adversary proceedings in any court.

ISSUES

I. May a judge serve as the president of a charitable organization that engages in fund raising? **Answer:** Yes.

II. May the judge's name appear on the organization's letterhead? **Answer:** Yes.

(2) It is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution.

FACTS

A judge is a member of a charitable organization which has fund raising activities, including annual fund raising for a charity selected by the vote of the members. Since becoming a judge, her name has not been used and she has not actively participated in fund raising. She has been asked to serve as president of the organization for the coming year. If the judge accepts, fund raising will be handled by the first vice president and the judge's name will not be used to raise money. However, the president's name has historically appeared on the organization's letter head. If the judge's name appeared, it would be without her judicial title.

(3) A judge should not give investment advice to such an organization or institution, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

DISCUSSION

Canon 5B of the Alabama Canons of Judicial Ethics permits a judge to participate in civic and charitable activities "that do not reflect adversely upon his impartiality or interfere with the performance of judicial duties." The same canon further provides that service as an officer of a charitable organization is permissible subject to the following limitations:

(1) A judge should not serve if it is likely that the organization or institution will be engaged in proceedings that would ordinarily come before him or will be regularly

The Commission finds no conflict between these provisions and the contemplated activity. Serving as the president of the organization in question would not reflect adversely on the judge's impartiality, nor is it likely to be so time consuming as to interfere with the performance of judicial duties. Canon 5B. The organization is not one that will be engaged in proceedings that would ordinarily come before the judge's court, or that will be regularly engaged in adversary proceedings in any court. Canon 5B(1). If the judge serves as president of the organization, she should not give investment advice to it. Canon 5B(3).

A judge's name may be listed as an officer, director or trustee on the letterhead of a charitable organization. Canon 5B(2). However, she may not be listed as a judge when she knows that the stationery will be used in fund solicitations. Using the judicial title in such a fashion would permit the use of the prestige of her office for the purpose of soliciting funds in violation of Canon 5B(2). Advisory Opinion 84-216.

REFERENCES

Advisory Opinion 84-216.

Alabama Canons of Judicial Ethics, Canons
5B, 5B(1), 5B(2) and 5B(3).

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, P. O. Box 303400, Montgomery, Alabama 36130-3400; tel.: (334) 242-4089; fax: (334) 353-4043; E-mail: jic@alalinc.net.