

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: OCTOBER 4, 2004

ADVISORY OPINION 04-843

HONORARIA

ISSUE

May a district judge accept an honorarium from an organization for his participation at a particular conference, which is the same amount paid to the other participants who are not judges? **Answer:** Yes.

FACTS

A district judge spoke at the 21st Century Learner's Conference in Washington, D.C., and assisted in the writing of a white paper on the subject. He has just received a check from the Association of Children's Museums for his participation, which he has been told is an honorarium in the same amount paid to the other participants.

DISCUSSION

This issue is governed by Canon 6, which states in pertinent part as follows:

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by these canons, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. COMPENSATION. Compensation should not exceed a reasonable amount, nor should it exceed what a person who is not a judge would receive for the same activity.

Quasi-judicial activities are defined in Canon 4 as those concerning the law, the legal system, or the administration of justice. Extra-judicial activities are addressed in Canon 5,

which states in section A, Avocational Activities:

A judge may write, lecture, teach, and speak on nonlegal subjects . . . if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

In Advisory Opinion 90-404, the Commission found that the foregoing provisions clearly allowed a judge to receive an honorarium for delivering a keynote speech.

Under the facts presented, it is the opinion of the Commission that the judge's activity was permitted by the canons, that the source of the payment in question does not give the appearance of influencing the judge in his judicial duties or otherwise give an appearance of impropriety, and that the amount of the payment is reasonable. Since the amount of the payment also does not exceed what other participants received, the judge may accept the proffered honorarium.

REFERENCES

Advisory Opinion 90-404.

Alabama Canons of Judicial Ethics, Canons 4,5A, 6 and 6A.

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.