

Judicial Inquiry Commission

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July 21, 1976

The following Advisory Opinion by this Commission is addressed to you in response to your letters to us dated April 14, 1976 and April 19, 1976, wherein you requested opinions as to the propriety, after assuming the office of District Judge, of; (1) continuing to serve as a member of the Fayette County Board of Education, and (2) engaging in the preparation of abstracts of title.

Our responses and opinions are as follows:

1. District Judge Serving as Member of Board of Education. It is the opinion of the Judicial Inquiry Commission that a District Judge should not serve as a member of a board of education.

Service on a board of education is, as you know, extra-judicial, whether you are elected to the position or serve by appointment. Such service and position is “concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice”. See Canon 5G, Canons of Judicial Ethics.

We also direct your attention to the Alabama law regarding the holding of more than one “office for profit”.

2. District Judge Engaged in Preparation of Abstracts of Title. It is the opinion of the Judicial Inquiry Commission that a District Judge should not engage the business of preparation of abstracts of title for profit while serving as such.

This Commission is aware of the fact that the preparation of abstracts of title is not the “practice of law” as that term is used in the Canons and defined by the laws of Alabama.

The preparation of abstracts of title would, however, be an “extra-judicial” activity to which the provisions of Canon 5 address themselves; and we feel that such activity could very likely lead to a conflict if the title to lands which were the subject of abstracts prepared by you should be litigated in your court. We also feel that a continuing business relation with those requesting your abstract services on a regular basis could create problems for you and the court on which you serve.