

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
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MONTGOMERY, ALABAMA 36104

February 3, 1977

On November 22, 1976, you requested an advisory opinion of this Commission relative to the propriety of your continuing to serve as (1) the Trustee of a decedent's estate and, (2) the Guardian of an incompetent veteran in view of your present position as a District Judge.

ADVISORY OPINION

Canon 5, (D), Canons of Judicial Ethics, provides as follows:

“A judge should not serve as executor, administrator, guardian, or other fiduciary, if such service will interfere with the proper performance of his judicial duties. . .”

It is the opinion of this Commission that you may continue to serve in each capacity, but only so long as such service will not interfere with the proper performance of your judicial duties. Should such service interfere with such duties you would, of course, be compelled to resign in each instance and your failure to do so would constitute a breach of the Canons.

Very truly yours,

JUDICIAL INQUIRY COMMISSION