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Judicial Inquiry Commission

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May 19, 1978

The Judicial Inquiry Commission has considered your request for an opinion concerning the following matters:

“1. Is it proper for a judge to become a dues paying honorary member of the Fraternal Order of Police? As judges deal with police matters every day and are often in the public mind mistakenly believed biased toward the police, would this membership appear improper?

“2. May a judge make a campaign contribution to a candidate for office?

“3. When a courtroom plan for television etc. has been adopted for the circuit may the district court use such plan or is a new plan required?

“4. May a judge who performs a marriage ceremony accept an offered honorarium? Title 30-1-8 entitles the judge to (sic.) require a fee of \$2.00. By implication does this permit him to accept more if offered?”

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Your first question concerns Canon 5B of the Alabama Canons of Judicial Ethics. That canon provides in pertinent part that:

“A judge may participate in civil and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. . .”

Since policemen and other law enforcement officers frequently appear as witnesses in the courts of this state and thus are constantly directly involved with judicial proceedings, it is the opinion of this Commission that becoming a dues paying member of the Fraternal Order of Police would “reflect adversely” upon the impartiality of a judge.

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Your second question involves Canon 7 which judges are admonished to refrain from

political activity inappropriate to their judicial office. It is our opinion that this canon does not prohibit campaign contributions by judges.

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In response to your third question, it is our opinion that under the provisions of Canon 3A(7) and (7)(a) a specific plan is required to be approved for each courtroom in which the use of television or radio, recording or taking of photographs is to occur. Such canons set out the requirements under which the plan may be approved.

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The fourth question is answered in the affirmative. The canons do not prohibit a judge from accepting an offered honorarium for performing a marriage ceremony.