

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

March 25, 1980

The Judicial Inquiry Commission has considered your request for an opinion regarding the propriety of a sale of law books owned jointly by the retired judge and his brother to the county law library.

It is the opinion of this Commission that by participating in such a sale, the retired judge would in no way violate the Alabama Canons of Judicial Ethics. As you are aware, the Commission has previously held that such a sale by an active judge would violate Canon 2 in that such action would constitute a criminal offense under Section 36-10-8, Code of Alabama 1975.

While we do not think it is a violation of Canon 2, we do not have the authority to interpret Section 36-10-8, Code of Alabama 1975. If, however, the retired judge is on active status, such a sale would still be prohibited.