

Judicial Inquiry Commission

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June 4, 1980

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

- I. Is it a violation of any Canon of Judicial Ethics for any District Judge to referee or umpire:

- (a) basketball games
- (b) football games
- (c) softball games

in the county in which he presides, or within the State? And to be remunerated for such activities?

- II. Is it a violation of any Canon of Judicial Ethics for any District Judge to be Chairman of the Board of Directors of the Regional Council on Alcohol?

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In response to your first question, it is the opinion of the Commission that a District Judge may serve as a referee or umpire in the listed sports activities with or without remuneration as long as the judge may do so without violating Canon 3 or 5 C of the Alabama Canons of Judicial Ethics. Canon 3 provides that "The judicial activities of a judge take precedence over his other activities." Canon 5 C provides that "A judge should refrain from any financial or business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties or exploit his judicial position." Thus, as long as the judge's serving as referee or umpire does not interfere in any way in the performance of his judicial duties, reflect on his impartiality or exploit his judicial position, he may serve in any of these positions. However, a judge serving in these capacities should be extremely careful that these activities do not in any way take precedence over his judicial duties.

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Your second question is governed by Canon 5 B. Under that Canon a judge may serve as an officer of any educational, ... charitable ...or civic organization subject to the limitations provided as long as such service does not reflect adversely on his impartiality or interfere with the performance of his judicial duties.