

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

May 30, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a circuit judge may serve as a trustee of a hospital. The hospital is located within the circuit where the judge serves.

A judge's extra-judicial activities are governed by Canon 5 of the Alabama Canons of Judicial Ethics. That Canon specifically provides that:

“A Judge Should Regulate His Extra-Judicial Activities To Minimize the Risk of Conflict with His Judicial Duties.”

This Canon does not prohibit a judge's engaging in extra-judicial activities such as serving as a hospital trustee. However, other factors might exist which could, under Canon 5, prohibit such activity.

More specific provisions of Canon 5 repeat a continuous admonition that a judge should not engage in extra-judicial activities in which he gives legal or financial advice or is involved in fund raising or which interfere with the proper performance of his judicial duties, including participation in organizations which are likely to be engaged in proceedings which will come before the judge or will regularly come before any court. See Canon 5B(1), 5C(1) and (3) and 5D(1) and (2).

For instance, a judge should manage his extra-judicial activities to minimize the number of cases in which he is disqualified.

Yours very truly,

JUDICIAL INQUIRY COMMISSION