

Judicial Inquiry Commission

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July 6, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a district court judge may accept payment for legal fees earned as an attorney prior to his becoming a judge.

Your request is based on the following facts: Prior to becoming a district court judge, an attorney accepted a number of cases including contingent fee arrangements with his clients. He spent hundreds of hours on some of these cases. Upon the attorney's assuming the bench, the cases were transferred to other attorneys upon further agreements that he would receive an agreed upon percentage of any contingent fees recovered in the cases at a later date.

In Advisory Opinion 81-114, this Commission found that the Alabama Canons of Judicial Ethics do not prohibit a judge's accepting remuneration for his legal services performed prior to his assuming office where there existed a prior fee agreement. The Commission now reaffirms this prior opinion. A judge, after assuming the bench, may accept remuneration for work performed by him as an attorney before he became a judge. Agreements as to how much is owed the judge should be settled insofar as possible prior to the judge assuming the bench.

Very truly yours,

JUDICIAL INQUIRY COMMISSION