

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

September 29, 1986

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a retired district court judge may engage in the private practice of law.

You point out that in Opinion 80-87, the Commission advised that Section 12-18-62, Code of Alabama, 1975 prohibited a retired district court judge from engaging in the private practice of law. As you further correctly point out, that Code section was repealed the next year by Act 81-223 of the Alabama Legislature and, therefore, no longer has any force and effect. This being the case, the matter is now governed by the Alabama Canons of Judicial Ethics.

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics do not prohibit the private practice of law by a retired district court judge. Under the compliance provisions of the Canons, only those retired justices or judges serving full-time on one of the courts of this State are required to comply with Canon 5F of the Alabama Canons of Judicial Ethics. That Canon prohibits a judge from engaging in the practice of law. Thus being excused from compliance with Canon 5F and Section 12-18-62 having been repealed, a retired district court judge is not prohibited from engaging in the private practice of law unless he is serving full-time on one of the courts of this State.

Sincerely,

JUDICIAL INQUIRY COMMISSION