

Judicial Inquiry Commission

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June 22, 1987

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 member or chairman of the board of directors or board of trustees of a private non-profit corporation whose primary purpose is to formulate and implement strategies for education and prevention of drug and alcohol abuse. The purpose and authority of the corporation are set out as follows:

“The primary goal of the corporation would be to prevent drug and alcohol abuse among youth. A primary objective of the corporation would be to promote an atmosphere in which young people could mature with good physical and mental health in a community committed to a drug free environment. Other objectives would be to provide information on drug and alcohol among youth, provide educational programs and services for the community, encourage the community to address the problems of drug and alcohol abuse among youth, obtain funding for the corporation’s endeavors and promote a community for drug free youth.”

It is the opinion of the Commission that a circuit judge may serve either as a member or chairman of the board of directors or board of trustees of a non-profit corporation whose primary purpose is set out above. However, in so doing, the judge should be ever mindful of the provisions of Canon 5 of the Alabama Canons of Judicial Ethics. This canon governs, to a large extent, a judge’s extra-judicial activities. If at any time a question arises concerning whether the judge’s participation conflicts with the provisions of this canon, the judge should cease his participation.

Canon 5 B is particularly applicable to a judge’s civic and charitable activities. That canon provides:

“A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization or institution not conducted for the economic or political advantage of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization or institution will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

- (2) It is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution.
- (3) A judge should not give investment advice to such an organization or institution, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

The judge should particularly note the admonition in Canon 5B(2) against soliciting funds. It is the opinion of the Commission that the judge should not solicit funds for the organization.

Sincerely,

JUDICIAL INQUIRY COMMISSION