

Judicial Inquiry Commission

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February 29, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge is prohibited from serving as chairman of the local 1988 Cerebral Palsy Telethon. The judge states that he will not be introduced or identified as a judge and will not himself make any direct requests to any individual or organization for any contribution. As chairman, the judge will be involved primarily in the behind the scenes management of the program and will appear on the program itself at the beginning and the end to introduce and wrap up the campaign.

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics do not prohibit the judge's participation in the above described activities so long as the judge's participation does not conflict with his judicial duties, reflect adversely on his impartiality, or become such a burden on the judge's time or otherwise interfere with the proper performance of his judicial duties.

A judge's civic and charitable activities are governed primarily by Canon 5B of the Alabama Canons of Judicial Ethics. That Canon provides as follows:

"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 the 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.

Under the circumstances which you describe, it does not appear that serving as chairman of the Cerebral Palsy Telethon would be prohibited under this Canon.

Sincerely,

JUDICIAL INQUIRY COMMISSION