

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge may participate in certain civic or charitable fund raising events under certain prescribed circumstances. The events in question are those where a participant is sponsored by charitable donors whose donations are based on the participant's performance, i.e., miles walked, run or traveled by bicycle, etc., or "jail-bail" activities.

Under the present fact situation, the judge is a district court judge who, if he participates, will ask the local chairperson of a committee to select a person, unknown to the judge, to solicit sponsors for the judge.

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics do not prohibit the judge's participation in the events as described.

A judge's participation in civic or charitable organizations is governed primarily by Canon 5 of the Alabama Canons of Judicial Ethics. That Canon provides that:

"A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict with His Judicial Duties"

More specifically, Canon 5B 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 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.”

In previous opinions the Commission has found that under Canon 5B(2) a judge may participate in such charitable fund raising events as a “hike-bike-run” and a “jail-bail” so long as he does not interpose the prestige of his judicial office into such events and so long as he structures his participation to minimize the risk of conflict with his judicial duties. Of course, the judge must remain ever mindful of all the provisions of Canon 5B and of the high standards of conduct prescribed in Canons 1 and 2. However, the instant fact situation as presented does not appear to violate any of these provisions.

Sincerely,

JUDICIAL INQUIRY COMMISSION