

Judicial Inquiry Commission

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December 12, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge may serve as a member of a policy committee for a school system which will recommend proposed policy changes regarding student grading and student evaluations for the local school system.

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics specifically discourage, but do not prohibit, a judge's serving on a policy making committee for a local school system. However, if such service would reflect adversely on the judge's impartiality or otherwise interfere with the proper performance of his judicial duties, then such service would be prohibited. This opinion is based on the provisions of Canon 5G and Canon 3 of the Alabama Canons of Judicial Ethics.

Canon 5G provides:

It is desirable that a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice or unless required by law ...

Canon 3 provides:

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial activities of a judge take precedence over his other activities

...

It has often been the practice for local education officials to seek community advice in setting school policy. To this end, policy advisory committees are set up to invite a broad base of input into local school policies which will be recommended to local boards of education by superintendents of education. Upon reviewing the applicable canons, especially Canon 5G as set out above, it is apparent that service on such bodies is discouraged but not specifically prohibited. However, prior to accepting such service a judge must look also to the provisions of Canon 3. He must not accept the appointment if, upon examining his jurisdiction and the matters likely to come before his court, he finds that the committee will be recommending policy on matters or to persons likely to come before him in his judicial capacity. If the matters considered

89-388
Page 2

or the persons to whom the recommendations are made are likely to come before the judge, then his participation on the committee could cause reasonable doubt as to the judge's ability to decide those matters or to treat those persons impartially. Therefore, judges must give heavy consideration prior to deciding to participate in this discouraged activity.

Sincerely,

JUDICIAL INQUIRY COMMISSION