

Judicial Inquiry Commission

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April 3, 1990

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a circuit judge serving full-time as family court judge may serve on the Board of Directors of the United Way for a three-county area so long as the judge does not participate in fund raising but acts strictly in the area of planning for agency needs regarding children and families.

It is the opinion of the Commission that the Canons do not prohibit a judge's serving on the board of directors of an organization whose primary purpose is fund raising for charitable purposes. The judge is, however, discouraged from engaging in fund solicitation. This opinion is based on the provisions of Canon 5B of the Alabama Canons of Judicial Ethics. Those provisions are as follows:

B. Civic and Charitable Activities:

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.

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Under these provisions, a judge may be a member of the board of directors of an organization whose primary purpose is charitable fund raising. However, the judge is discouraged from engaging in fund solicitation. In addition, the judge should remain familiar with all the provisions of Canon 5B and cease service on the board of directors if the provisions of the Canon so require.

Sincerely,

JUDICIAL INQUIRY COMMISSION