

Judicial Inquiry Commission

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February 26, 1991

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a Circuit Court Judge may serve on the Synod Permanent Judicial Committee of the Presbyterian Church (USA). The Synod covers several states. The Judicial Committee is composed of ministers and lay people and exercises no secular jurisdiction. The Committee has not heard a case for many years and does not appear to involve a substantial amount of time.

It is the opinion of the Commission that under the Alabama Canons of Judicial Ethics it is not impermissible for a judge to serve on the Committee in question so long as such service does not interfere with the proper performance of or risk conflict with his judicial duties.

Canon 5 of the Alabama Canons of Judicial Ethics regulates participation in extra-judicial activities and organizations. That Canon provides:

A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.

The Commentary to this Canon recognizes that it is neither possible nor wise for a judge to maintain complete separation from extra-judicial activities.

Further, Canon 5B more specifically allows a judge to participate in religious institutions as an officer, director, trustee or nonlegal advisor subject to certain additional limitations. These limitations include a prohibition where the organization is regularly engaged in adversary proceedings in any secular court, or if the organization is likely to appear in the judge's court. It does not appear in this instance that service on the Synod Judicial Committee would concern any secular legal issues, interfere with the performance of the judge's judicial duties, or provide any other conflict with the judge's judicial duties. Therefore, such service is not prohibited.

Sincerely,

JUDICIAL INQUIRY COMMISSION