

## Judicial Inquiry Commission

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This is in response to your request for an advisory opinion from the Alabama Judicial Inquiry Commission. Your questions are whether 1) as part of a settlement agreement arising out of civil litigation in federal court, you may serve as a “monitor” of a county jail in your jurisdiction and 2) whether you may receive compensation for such services.

It is the opinion of this Commission that a district court judge may serve as a “monitor” of a county jail pursuant to the order of a federal court. Question one is governed by the provisions of Canon 4, Alabama Canons of Judicial Ethics:

“A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

. . .

- C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice.

To the extent that a judge’s time permits, he is encouraged to engage in such activities. See Commentary to Canon 4. See also Canon 5G: “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.”

In answer to your second question, it is the opinion of this Commission that a district court judge may not accept compensation for serving as a “monitor” in this situation. Canon 5C(l) provides: “A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.” In addition, Canon 1 requires that a judge should uphold the integrity and independence of the judiciary. However, it is the opinion of this Commission that while a judge may not receive compensation for his services as a “jail monitor,” the judge may be financially reimbursed for actual “out-of-pocket” expenses incurred in that capacity.

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This advisory opinion has been considered by the entire Commission and is the opinion of the Judicial Inquiry Commission.