

Judicial Inquiry Commission

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June 28, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a retired judge who manages a circuit's expedited docket approximately one day per week without remuneration may consistently with the Canons of Judicial Ethics accept a part-time consulting position for the county involving the monitoring in a non-judicial capacity of the population of the county detention facility.

Retired judges who are serving on any circuit court in an active duty status are required to comply with all of the Canons of Judicial Ethics except Canon 5C(3), D, E, F, G and Canon 6C. See Compliance with the Canons of Judicial Ethics. Under the Canons, a judge may, subject to the proper performance of his judicial duties, engage in and receive remuneration for quasi-judicial activities that involve the administration of justice so long as he does not cast doubt on his capacity to decide impartially any issue that may come before him. Canons 4, 5C(1), and 6.

It is the opinion of the Commission that a retired active part-time judge may accept the consultant position proposed consistent with the Canons of Judicial Ethics so long as the consulting work does not interfere with the proper performance of his judicial duties or cast doubt on his capacity to decide impartially any issue that may come before him as a judge. If the consulting position will involve regular contact with the detention facility population, the Commission advises that steps be taken to avoid attempts by inmates to engage in ex parte communication concerning cases which may come before the judge in his judicial capacity. See Canon 3C(4).

Respectfully,

JUDICIAL INQUIRY COMMISSION