

Judicial Inquiry Commission

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March 14, 1997

The Judicial Inquiry Commission has considered your request for an opinion regarding the propriety of a judge's service as an appointed chairperson of a Regional Citizen Review Panel under the Alabama Department of Human Resources to evaluate child fatality cases.

It is the opinion of the Commission that a judge should not accept appointment to the panel in question. This opinion is based on the provisions of Canon 5G and prior Advisory Opinions of the Commission.

Canon 5G addresses extra-judicial appointments and states in pertinent part:

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.

It is the opinion of the Commission that your service as chairman of the regional panel would violate Canon 5G. In your request, you indicate, "The responsibilities of each panel will be to examine policies and procedures of state and local agencies to determine efficiency in the discharge of child protection responsibilities." That description of the panel's activities indicates that those activities concern issues of fact and policy. Those factual and policy issues do not primarily concern the improvement of the law, the legal system, or the administration of justice. Rather, the ultimate goal is "efficiency in the discharge of child protection responsibilities."

The responsibilities of the panel appear to be similar to service on other State boards and commissions concerned with matters of public, non-legal benefit. In several previous Advisory Opinions, the Commission has opined that Canon 5 does not permit service on such a board or commission. See e.g. Advisory Opinion 85-237 (Alabama State Fair Authority); Advisory Opinion 77-17 (city board of education); Advisory Opinion 76-11 (county board of education); Advisory Opinion 76-2 (board or commission). The Commission's view of the proposed service is consistent with these previous opinions.

Respectfully submitted,

JUDICIAL INQUIRY COMMISSION