

## Judicial Inquiry Commission

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This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you may act as a consultant for remuneration for an in-state project or projects unrelated to the law under the following facts:

For the past 13 years, you have served on various state and national nonprofit foundations and organizations that focus on children's issues and family preservation. In 1995, you joined a national faculty of experts in order to provide technical assistance to nonprofit child abuse and prevention programs. Thus far, your work has been for out-of-state agencies as a guest lecturer or conference speaker and you have been compensated for your work.

Based on your expertise, you have been invited to consult on two projects in Alabama which deal with child abuse and community revitalization. These two programs differ from your previous experience as they are in-state and on-going. They are similar in that you will be remunerated for your work.

Your question is governed by Canons 5 and 6.

Canon 5(C)(1) states:

"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 the commentary to Canon 5, it states "Complete separation of a judge from extra-judicial activities is neither possible nor wise; he should not become isolated from the society in which he lives." It also states that "The changing nature of some organizations and of their relationship to the law makes it necessary for a judge regularly to re-examine the activities of each organization with which he is affiliated to determine if it is proper for him to continue his relationship with it."

Canon 6 provides that:

"A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by these canons, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

“A. Compensation. Compensation should not exceed a reasonable amount, nor should it exceed what a person who is not a judge would receive for the same activity.”

Although we have no advisory opinions on this same issue, we find several of our advisory opinions to be persuasive authority for holding that such activity is permissible under the Canons.

In Advisory Opinion 92-464, this Commission held that a judge who was also a licensed professional engineer and land surveyor could conduct seminars and have an ownership interest in an organization whose function it is to provide educational seminars to professional engineers and land surveyors concerning laws, the legal system, and the administration of justice.

This Commission held in Advisory Opinion 90-404, that a judge may accept an honorarium for delivering the keynote speech at the annual banquet for a medical society.

In Advisory Opinion 93-474, this Commission held that it was ethically appropriate for a judge to continue as a member of the board of a state bank under Canon 5(C) where the board has no authority to approve the loans or investments and merely serves as an advisory committee.

Based on the foregoing, it is the opinion of this Commission that you may serve as a paid consultant for an in-state, on-going project unrelated to the law. Of course, the judge should be ever mindful of these provisions and make sure that even the appearance of propriety remains intact.

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

Respectfully submitted,

JUDICIAL INQUIRY COMMISSION