

Judicial Inquiry Commission

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October 3, 1997

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge may consent to the naming of a chair in his honor at the university from which he received his undergraduate degree and, if so, may the judge participate in the fund raising to support or endow the chair?

It is the opinion of the Commission that the Canons of Judicial Ethics do not proscribe the naming of an academic chair in honor of a living active judge. However, under the facts stated, the canons do prohibit the judge's participation in fund raising to support or endow the chair.

The canons do not specifically address the issue of honoring an active judge by naming something for him. However, to the extent that the judge has control over such activities, he or she should do all within his or her power to require that such activities do not reflect adversely on the judiciary or improperly use the prestige of the judicial office. Canon 2C admonishes that a judge "should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him." A judge's civic and charitable activities are regulated by Canon 5B. That canon provides, "A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties." The canon further provides "[i]t is desirable that a judge not solicit funds for any educational religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization or institution."

Based on the above provisions, fund raising by the judge to endow the chair in his honor is prohibited. The commission finds that such solicitation by the judge would lend the prestige of his office to the fund-raising effort and is therefore prohibited.

Yours very truly,

JUDICIAL INQUIRY COMMISSION