

Judicial Inquiry Commission

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October 3, 1997

The Judicial Inquiry Commission has considered your request that we reconsider our opinion 96-625 concerning whether, under the Alabama Canons of Judicial Ethics, a judge may sit on the board of directors of a youth facility to which the judge refers juveniles who come before the court over which the judge presides. Along with your request the Commission has received facts including and supplemental to those previously considered. The facts include the following: the facility is a non-profit organization, the judge serves without remuneration, the court is allotted a limited number of beds at the facility, the facility's funding is not based on the number of clients referred by the judge, the facility provides rehabilitation opportunities which supplement and complement those provided by the Department of Youth Services, the facility is licensed by the Department of Youth Services, the facility was created to fill a void in services which were not otherwise available in the service area, and many judges presently serve on the boards of similar facilities as well as on local DYS boards.

Based on the specific facts presented, it is the opinion of the Commission that the canons of judicial ethics do not prohibit service on the boards described. Under Canon 5G, judges are permitted to engage in activities to improve the law, the legal system, and the administration of justice. The creation of the facilities in question improve the administration of justice by providing heretofore unprovided opportunities, in line with those provided by the Department of Youth Services, for rehabilitation of juvenile offenders over whom our courts exercise more extensive supervisory authority than other litigants. The facilities provide for a service demand that was not previously being met. Thus, referrals to these facilities cannot be said to impune a judge's impartiality. We therefore conclude that service on boards of non-profit organizations providing rehabilitative services supplemental to those provided the Department of Youth Services is not prohibited by the Alabama Canons of Judicial Ethics.

Opinions holding to the contrary, including Advisory Opinions 96-624, 93-507, and 93-468 are hereby overruled and Advisory Opinion 96-625 is hereby withdrawn and this opinion substituted.

Yours very truly,

JUDICIAL INQUIRY COMMISSION