

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge may serve on the Alabama Model Code on Domestic Violence Project Committee. The project, which is being coordinated by the Alabama Coalition Against Domestic Violence and the National Council on Juvenile and Family Court Judges, will examine the Code of Alabama in comparison with the Model Code on Domestic Violence that was developed by the National Council, and formulate recommendations for changes and improvements in Alabama laws which might bring those laws into closer conformance with the Model Code.

It is the opinion of the Commission that service on the described committee is permitted under Canon 4 of the Alabama Canons of Judicial Ethics. Canon 4 provides the following:

A judge may engage in activities to improve the law, the legal system, and the administration of justice.

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

- . . .
- C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. . . .

The commentary to this canon acknowledges that:

a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that his time permits, he is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.

Service on the described committee falls well within the activities described in Canon 4, and is permitted so long as participation does not interfere with the proper performance of judicial duties nor cast doubt on the judge's capacity to decide impartially any issue that may come before the judge.