

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

June 26, 1998

Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge may accept a fee for legal services performed prior to his becoming a judge when it has been nine years since he took office. The judge has just been notified that a bankruptcy estate now has funds available to pay the fee.

As you noted in your request for an opinion, the Commission has previously held that a judge may accept remuneration for legal services performed prior to his assuming office where a prior fee agreement exists. Advisory Opinions 81-114, 84-215, and 90-402. In Advisory Opinion 84-215, the Commission noted that agreements as to how much is owed the judge should be settled insofar as possible prior to the judge assuming the bench.

In Advisory Opinion 81-114, a lawsuit the judge filed on behalf of a client before assuming the bench was not successfully concluded until several years after he became a judge. In Advisory Opinion 90-402, the lawsuit in question was not settled until seven years after the judge had assumed the bench.

The previous opinions of the Commission control in the situation presented. It is the opinion of the Commission that a judge may accept a fee for legal services performed prior to his becoming a judge where a prior fee agreement exists.

Yours truly,

JUDICIAL INQUIRY COMMISSION