

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: DECEMBER 18, 1998

ADVISORY OPINION 98-715

SERVICE ON MUNICIPAL GRIEVANCE
COMMITTEE BY PART-TIME
MUNICIPAL JUDGE

ISSUE

May a part-time municipal judge serve as the employees' designated appointment to the municipality's grievance committee?

Answer: Under the facts presented, yes.

FACTS

A part-time municipal judge has been asked to serve on the municipality's grievance committee as the employees' appointee. The committee considers grievances by municipal employees. Members are not employed by the city to serve on the committee; members serve without compensation. The responsibilities of a member do not include provision of legal advice. Service on the committee is not expected to entail any interference with the judge's performance of his judicial duties, nor to involve issues or persons that might tend to reflect adversely on the judge's impartiality in cases coming before him in municipal court. The committee is not expected to be regularly engaged in adversary proceedings in any court.

DISCUSSION

Extra-judicial activities of a judge are governed primarily by Canon 5 of the Alabama Canons of Judicial Ethics. Canon 5B states that a judge may participate in civic activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. It further provides that a judge may serve as an officer, director,

trustee, or nonlegal advisor of a civic organization not conducted for the economic or political advantage of its members, subject to certain limitations, none of which appear applicable to the present inquiry.

Canon 5G specifically addresses extra-judicial appointments to governmental committees, discouraging but not prohibiting service on most governmental committees that are concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. However, a part-time judge is not required to comply with Canon 5G. Compliance With the Canons of Judicial Ethics §A(1).

Under the facts presented, it is the opinion of the Commission that a part-time municipal judge may serve as the employees' designated appointee to the municipality's grievance committee.

REFERENCES

Alabama Canons of Judicial Ethics, Canons 5B and 5G, and Compliance With the Canons of Judicial Ethics §A(1).

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; e-mail: jic@alalinc.net.