

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: DECEMBER 19, 2003

ADVISORY OPINION 03-830

SERVING ON JUVENILE JUSTICE FUND
COMMITTEE PURSUANT TO STATUTE

ISSUE

May a judge serve on a Juvenile Justice Fund Committee as provided by local legislative act? **Answer:** Yes.

FACTS

Under a revision to a certain local act, a county may expend monies from a particular fund only for those expenditures for juvenile justice or enforcement purposes authorized and directed by the Juvenile Justice Fund Committee. By the same act, the presiding circuit judge, the juvenile court judge, and other listed officials comprise the committee.

The inquiring judge has refrained from participation on the committee in the light of Advisory Opinion 94-526.

DISCUSSION

In Advisory Opinion 94-526, the Commission concluded that it was not proper for a judge to serve as an administrator authorizing the expenditure of juvenile court system funds *while at the same time* serving on the board of directors of a non-profit corporation which would receive monies from that fund. The Commission was of the opinion that “[s]ervice in both capacities lends itself to the ‘appearance of impropriety’ and does not tend to ‘promote public confidence in the integrity and impartiality of the judiciary.’” Because service as a board member would interfere with the proper performance of judicial duties (in this case, to authorize expenditures from the particular juvenile court system fund), the Commission informed the judge that he should resign his membership on the board of the non-profit corporation. Advisory Opinion 94-526.

The Commission stated in Advisory Opinion 94-526 that there was no ethical prohibition

against the judge *either* administering the Juvenile Court System Fund as authorized by law *or* serving as a member of the board of directors of a non-profit corporation that would receive financial resources from that fund. Rather, the conflict with the Canons of Judicial Ethics arose from simultaneous service in both capacities.

The facts presented by the inquiring judge do not suggest that he has any connection with any entity that might be the recipient of monies from the subject fund. The Commission is of the opinion that the Canons of Judicial Ethics permit his service on the Juvenile Justice Fund Committee as provided by local legislative act.

REFERENCES

Advisory Opinion 94-526.

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, P. O. Box 303400, Montgomery, Alabama 36130-3400; tel.: (334) 242-4089; fax: (334) 353-4043; E-mail: jic@alalinc.net.