

# JUDICIAL INQUIRY COMMISSION

DATE ISSUED: JANUARY 25, 2024

ADVISORY OPINION 24-961

## PROBATE JUDGES: CIVIC & CHARITABLE ACTIVITIES

### ISSUES

May a probate judge be recognized as an honoree by the local chapter of the American Cancer Society at its annual fundraising event?

**Answer:** Yes.

### FACTS

A probate judge has been invited to be recognized as an honoree by the local chapter of the American Cancer Society at its annual fundraising event. Honorees include a broad array of community leaders, including other elected officials, who have been or have family members who have been directly impacted by cancer.

The judge's name would be included on the list of honorees and the judge would not have any fundraising responsibilities. However, the roster of honorees is used to promote attendance at the event, which, in turn, raises money and resources for cancer research and aid to individuals who need treatment. The judge would not be referred to as "Judge" on the roster, but may be referred to as "The Honorable" as all other elected officials. A bio would be provided that would include the fact that the judge serves as a probate judge.

### DISCUSSION

The civic and charitable activities of a judge are governed by Canon 5B. That Canon states, "A judge may

participate in civic and charitable activities that do not reflect adversely upon [the judge's] impartiality or interfere with the proper performance of [the judge's] judicial duties." Further, Canon 5B(2), regarding fund solicitation, states, "It is desirable that a judge not solicit funds for any educational, religious, charitable, fraternal, or civic organization or institution, or use or permit the use of his [or her] office for that purpose." However, probate judges are exempt from compliance with Canon 5B(2). *Compliance with the Canons of Judicial Ethics* § C.

It is the opinion of the Commission that a probate judge is neither prohibited nor discouraged from being recognized as an honoree at an annual fundraising event for a civic or charitable organization unless doing so would reflect adversely upon his impartiality or interfere with the proper performance of his judicial duties. As a probate judge, it is unlikely that the American Cancer Society will be involved in any litigation before the judge or that his being recognized as an honoree at the event would create a reasonable basis for questioning his impartiality in any case that may come before him. Additionally, simply attending the annual fundraiser, which appears to be the only obligation the judge would face as an honoree, would not interfere with the proper performance of the judge's judicial duties. Therefore, the judge may be recognized as an honoree at the local

chapter of the American Cancer Society's annual fundraiser.

### **REFERENCES**

Alabama Canons of Judicial Ethics 5B, 5B(2), and Compliance with the Canons of Judicial Ethics§ C.

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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 18 of the Alabama 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; email: [jic@jic.alabama.gov](mailto:jic@jic.alabama.gov).