

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: AUGUST 7, 2025

ADVISORY OPINION 25-970

PROBATE JUDGE: SERVING ON BOARD OF DIRECTORS OF REGIONAL MENTAL HEALTH AUTHORITY

ISSUE

May a probate judge serve as a member of the board of directors of a regional mental health authority?

Answer: Yes.

FACTS

Ala. Code § 22-51-1, *et seq.*, authorizes local governments to create, as public corporations, regional mental health authorities, and sets out the composition and powers of such authorities. Generally, the purpose of these authorities is to engage in “[t]he planning and taking of other steps leading to comprehensive state and community action to combat all forms of mental or emotional illness or debility, including, but not limited to, alcoholism, drug addiction, epilepsy and intellectual disability,” including researching the causes and means of treating such illnesses, identifying resources to assist in treating such illnesses, and to provide services and training to treat such illnesses. Ala. Code § 22-51-1(8).

DISCUSSION

A judge’s service on the board of directors of a public corporation is subject to Canon 5G. *See* Advisory Opinion 97-663. That Canon provides, in pertinent part:

It is desirable that a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice or unless required by law.

Though a regional mental health authority does not fall under Canon 5G’s exceptions and would ordinarily be discouraged, probate judges are exempt from compliance with Canon 5G. Compliance with the Canons of Judicial Ethics § C. Therefore, a probate judge would not be prohibited from serving on the board of directors of a regional mental health authority created pursuant to Chapter 51 of Title 22 of the Code of Alabama.

A probate judge who does choose to serve on one of these boards should be mindful, however, that their service on the board does not conflict with the judge’s obligation to avoid even the appearance of impropriety and to promote the public’s confidence in the integrity and impartiality of the judiciary. Canons 2 and 2A. More specifically, probate judges should ensure that their judicial responsibilities remain separate from their work with the board of directors of the regional mental health authority. Advisory Opinions 97-681 and 04-836.

REFERENCES

Alabama Canons of Judicial Ethics 2, 2A, 5G, Compliance § C.

Ala. Code § 22-51-1(8) (Westlaw, current through the end of the 2025 Regular Session).

Alabama JIC Advisory Opinions 97-663, 97-681, and 04-836.

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.