

## **Canons of Judicial Ethics**

### **Compliance with the Canons of Judicial Ethics.**

Judges whose duties are not exclusively judicial or who do not serve on a full-time basis cannot be subjected to a strict, literal compliance with the Canons of Ethics.

A. PART-TIME JUDGE. A part-time judge is a judge who serves on a continuing basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

(1) Is not required to comply with Canon 5D, E, F, and G, and Canon 6C;

(2) Should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. JUDGE PRO TEMPORE. A judge pro tempore is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge pro tempore is not required to comply with Canon 5C(3), D, E, F, and G, and Canon 6C.

(2) A person who has been a judge pro tempore should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. PROBATE JUDGE. Probate judges in Alabama are charged with many administrative and executive duties not judicial in nature. However, when a probate judge performs judicial duties then applicable canons should be followed. A probate judge is not expected to comply with the following:

5B(2), 5E and G, 6C, and 7.

In lieu of the provisions of 3A(5), the following shall be applicable to probate judges:

A probate judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.

In lieu of the provisions of 3B, the following shall be applicable to probate judges:

It is desirable that a probate judge should diligently discharge his administrative responsibilities, facilitate the performance of the administrative responsibilities of other judges and court officials, require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him, initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the probate judge has

personal knowledge, and not approve compensation for appointees beyond the fair value of services rendered.

A probate judge should consider himself the conservator of all estates under his jurisdiction.

**D. RETIRED AND SUPERNUMERARY JUDGES.**

(1) Retired and supernumerary justices or judges, who are not serving on the Supreme Court or on either of the courts of appeals or on any circuit court or district court in the state, in an active duty status, shall not be required to comply with any of these Canons.

(2) Retired and supernumerary justices or judges, who are serving part time on the Supreme Court or on either of the courts of appeals or on any circuit court or district court in the state, in an active duty status, shall be required to comply with all of these Canons, except Canon 5 C(3), D, E, F, G and Canon 6 C.

(3) Retired and supernumerary justices and judges, who are serving full time at the request of the chief justice, on the Supreme Court or on either of the courts of appeals or on any circuit court or district court in the state, in an active duty status, shall be required to comply with all of these Canons.

[Amended 4-2-80.]

***Commentary***

*Retired and supernumerary justices or judges are not continuing in office under § 6.08 of Amendment 328, Constitution of Alabama of 1901.*

**EFFECTIVE DATE OF COMPLIANCE**

These Canons shall be binding as of the 1st day of February, 1976. A person to whom these Canons become applicable should arrange his affairs as soon as reasonably possible to comply with them.

The amendment which added paragraph D was effective April 2, 1980.