

Judicial Inquiry Commission

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June 30, 1980

On March 13, 1980, you requested an advisory opinion from the Commission regarding whether a judge may, at the request of a disbarred attorney, submit a letter to the Board of Bar Commissioners in support of the attorney's application for reinstatement. You specifically asked if the letter would be in violation of Canon 2 of the Alabama Canons of Judicial Ethics.

Subsequently, the Commission issued an advisory opinion on March 21, 1980 stating that such a letter would be in the nature of voluntary testimony as a character witness and, as such, would be prohibited by Canon 2 C.

On May 7, 1980, the Supreme Court of Alabama amended Canon 2 C of the Alabama Canons of Judicial Ethics by adding as follows:

“...at any hearing before any courts, or judicial or governmental commission.”

The Supreme Court of Alabama also added to the Commentary of Canon 2:

“...This canon does not per se prohibit a judge from writing a letter of recommendation disclosing personal information of someone's experience, character or ability. Such letter, however, should not be written if the recipient is engaged in litigation before the judge or it is likely that the recipient will be engaged in proceedings that would ordinarily come before the court.”

It is the opinion of the Commission that it is permissible for a judge to submit a letter to the Board of Bar Commissioners in support of an attorney's application for reinstatement at the request of a disbarred attorney provided the disbarred attorney will not be engaged in proceedings that would ordinarily come before the court.

Our previous opinion to the contrary is hereby specifically overruled, due to amendment of Canon 2 by the Alabama Supreme Court.