

Judicial Inquiry Commission

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December 20, 1982

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a district or circuit court judge violates a Canon of Judicial Ethics, particularly Canon 2A or 3A(I), by issuing an order purporting to authorize driving by an individual when the judge knows that that individual's driving privilege is under revocation or suspension as a result of formal action by the Director of Public Safety.

Your request encloses a copy of a February 3, 1977 Attorney General's opinion and a copy of a March 28, 1977 memorandum from the Chief Justice to all district court judges. The Attorney General's opinion, as interpreted and concurred in by the Chief Justice, concludes that a judge may not lawfully authorize driving by one whose driving privilege has been revoked or suspended by the Director of Public Safety. The Chief Justice's memorandum expressly directs that, "judges may not enter an order allowing a defendant to conditionally drive when that defendant's driver's license has either been suspended or revoked by the Department of Public Safety."

In view of the foregoing, it is the opinion of the Commission that a judge who purports to authorize driving by an individual whose license he knows to be under suspension or revocation violates Canon 2A's admonition that a judge should respect and comply with the law and Canon 3A(I)'s admonition that he be faithful to the law.

Very truly yours,

JUDICIAL INQUIRY COMMISSION