

Judicial Inquiry Commission

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March 3, 1983

The Judicial Inquiry Commission has considered your request for an opinion of the Commission concerning the following matters:

- 1) Whether office stationery and postage may be used to send letters of thanks to jury veniremen where such letters are signed by all of the circuit judges in a circuit regardless of whether all of the circuit judges participated in the organization of the court before those veniremen or in the trial of cases before them?
- 2) Whether a circuit judge serving as president of a local chapter of the National Alumni Association of a State University may make a written solicitation of membership to the local and national alumni associations in his letters announcing the Annual Alumni Banquet?

Your questions are answered in the order presented. First, the Commission has twice considered the propriety, under the Canons of Judicial Ethics, of the use of office stationery and stamps for sending commendatory letters to jurors and jury veniremen. In opinion 82-126, the Commission found that such letters should not be sent by any judge unless expressly authorized by court rule or the presiding circuit judge. This ruling was based upon §36-12-61, Code of Alabama, 1975 and Canon 7A(l) and Canon 2 of the Alabama Canons of Judicial Ethics. Later, in opinion 82-160, the Commission found that a circuit judge was not prohibited by the canons from sending such commendatory letters at his own expense. However, in so doing, the judge should be ever mindful of the high standards of ethical conduct set out in Canon 1. We further found that in order to protect the integrity of the judiciary, a judge should send commendatory letters only to those jurors who, in some manner, participated in the judicial process before the judge.

As to your specific question of whether such letters can be sent at court expense and signed by all judges of the circuit, the Commission reaffirms these prior opinions. However, the Commission finds that the Canons of Judicial Ethics do not preclude suitable commendatory letters being sent to veniremen at court expense and signed by all circuit judges where the letters are approved by court rule and where such letters accurately reflect their participation or the participation of the signatory judge in the judicial process. **83-178**

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As to your second question, a judge's participation in civic and charitable activities is governed primarily by Canon 5B. That canon provides in pertinent part that:

“A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal or civic organization or institution not conducted for the economic or political advantage of its members, subject to the following limitations ...”

[Note also specifically the undesirability of fund solicitation as stated in Canon 5B(2).]

While a judge may participate in such organizations as a national alumni association, he must be ever mindful that in so doing he does not violate either the spirit or the letter of Canons 1 and 2. For instance, he must take care that he does not lend the prestige of his office to the organization's solicitation of either funds or membership, and that he does not through his participation either convey or permit others to convey that they are in a special position to influence him. **83-179**

Therefore, it is the opinion of the Commission that subject to the provisions of Canon 1, 2 and 5B a judge may, as president of a civic or charitable organization, such as a national alumni association, solicit membership in the organization.

Very truly yours,

JUDICIAL INQUIRY COMMISSION