

Judicial Inquiry Commission

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December 27, 1985

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a trial court judge may discuss a case with one of the litigants after the case has been decided and the time for appeal has run. The particular case in question was a medical malpractice case in which the jury returned a verdict for the defendant doctor. The doctor is now writing a book about the case. He has asked the judge for background information concerning the judge and seeks to discuss the case with the judge. The judge asks specifically whether the Canons of Judicial Ethics prohibit the judge from providing background information concerning his own personal history, or from discussing the trial with the former litigant.

Of course, the Canons of Judicial Ethics do not prohibit a judge's providing background information concerning his own personal history to anyone. However, it is the opinion of the Commission that "except under the most extraordinary circumstances, a judge should refrain from commenting on specific cases in which he has participated, especially where such comment could compromise the validity of any ruling or order entered by him in such cases" [Advisory Opinion 80-86]. While the Canons are not specifically addressed to commentary by a judge on past cases, the Canons do require that a judge should perform the duties of his office impartially and diligently, Canon 3, and he should uphold the integrity and independence of the judiciary, Canon 1. Judges should, in upholding these Canons, avoid any comments about the trial of a decided case if such comments could cause the decision to be questioned or might cast dispersions upon the legal system.

Sincerely,

JUDICIAL INQUIRY COMMISSION