

Judicial Inquiry Commission

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October 2, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics and pursuant to a program developed by a Task Force of the Alabama Judicial Study Commission, a judge may sign a letter to all parents setting out the laws of Alabama concerning truancy and the penalty for violating such laws. The letter further provides an acknowledgment that it has been read and that the parents are aware of their responsibility to see that their child attends school daily and of the penalty for their failure to do so. The acknowledgment provides signature spaces for the parent(s) and the child. The program also encourages juvenile judges to establish an early warning system or other early intervention program in which a student and his family attend a juvenile court program where a judge and/or a juvenile probation officer inform the student or his family of the truancy laws and the consequences of the violation of these laws.

It is the opinion of the Commission that under the Alabama Canons of Judicial Ethics the judge may participate in the early intervention program along with juvenile court personnel as part of carrying out the judge's judicial responsibilities. However, the signing of the letter would violate Canon 4. Participation in the letter program is governed by that Canon.

Canon 4 provides:

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice.

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him. [Emphasis added]

- A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

In this instance, the letter signed by the local juvenile court judge and requesting in return a signed acknowledgment by the parents and children of all school children, gives the impression of prejudice or pre-judging truancy by the juvenile court judge.

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This is especially true in this instance since the judge, who is required to sit in truancy cases, is the judge signing the letter. Therefore, it is the opinion of the Commission that under these circumstances sending the letter in question signed by the juvenile court judge would violate Canon 4 of the Alabama Canons of Judicial Ethics in that it would cast doubt on (the judge's) capacity to decide impartially any issue that may come before him."

Sincerely,

JUDICIAL INQUIRY COMMISSION