

Judicial Inquiry Commission

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December 18, 1992

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission concerning whether it would be ethical for you to conduct educational seminars for professional engineers and land surveyors. The material facts are:

You are a licensed professional engineer and land surveyor in the States of Alabama and Florida. You propose to be a member of the faculty and have an ownership interest in an organization whose function is to provide continuing educational seminars to professional engineers and land surveyors concerning the law, the legal system, and the administration of justice. These seminars will enable the attendants to complete hours of continuing education required to maintain a professional license.

The seminars will be conducted at times other than when court is in session such as on weekends, vacation, or state holidays.

You have enclosed a preliminary rough draft of a brochure explaining the proposed seminar. The seminar is titled "Fundamentals of Real Property Bounty Law for Land Surveyors." You are the only faculty member listed on this program and, although you are identified as an attorney, you are not identified as a judge or as holding any judicial office. In the "general information" portion of the brochure appears the following disclaimer:

"This publication and seminar is designed to provide general information prepared by professionals in regard to the subject matter covered. It is presented with the understanding that the publisher is not engaged in rendering legal or other professional service. Although prepared by professionals, this publication should not be utilized as a substitute for professional service in specific situations. If legal advice or other expert assistance is required, the service of a professional should be sought."

Canon 4, Alabama Canons of Judicial Ethics, provides in pertinent part:

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

Canon 5A provides that “[a] judge may write, lecture, teach, and speak on nonlegal subjects, ... if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

In Advisory Opinion 90-398, this Commission held that a judge who authors a legal treatise to be sold commercially may be identified as a judge either on the cover of the book or on the advertising for the book, but that the judge could not characterize himself as an “expert.”

In promoting and conducting these seminars, you should be mindful of the admonitions of Canon 5C(l) that “[a] judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.”

It is the opinion of this Commission that your proposed conduct and business activity do not violate the Canons of Judicial Ethics as long as the admonitions of Canons 4A, 5A, and 5C(l) are honored.

This advisory opinion has been approved by the members of the Judicial Inquiry Commission. If you have any question regarding this or any other matter please contact me at your convenience.