

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge may write a letter to a judicial panel, at the request of an attorney, recommending that attorney for appointment to the circuit bench.

This question is governed primarily by Canons 2C and 4 of the Alabama Canons of Judicial Ethics. Canon 2C contains the following provision:

[A judge] should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness at any hearing before any court, or judicial or governmental commission.

The Commentary to Canon 2C explains that this canon “does not per se prohibit a judge from writing a letter of recommendation disclosing personal information of someone’s experience, character or ability.” Canon 4 generally provides that a judge may engage in activities to improve the legal system and the administration of justice; the Commentary to this canon notes that a judge is in a unique position to contribute to the improvement of the administration of justice, and is encouraged to do so to the extent that his time permits. The Commission also observes that Canon 7A permits a judge to engage in campaign activities in connection with a candidate for a judicial office.

It is the opinion of the Commission that a judge may, at the request of an attorney, write a letter to a judicial panel recommending such attorney for appointment to judicial office. A judge is uniquely able to contribute insight to the judicial selection process and, thus, to the administration of justice. Canon 4 encourages judges to participate in improvements in the administration of justice.

Yours truly,

JUDICIAL INQUIRY COMMISSION