

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

March 30, 1977

The Judicial Inquiry Commission has considered your request for an opinion concerning the propriety of a certain action proposed to be taken by you in your official capacity. You describe the following facts in the attachments included with your letter:

A complaint was filed in the District Court of Pike County, Alabama by a certain party against a corporation. It then appears that an answer was filed on behalf of the corporation by an agent of the corporation which agent was not an attorney. By order of your court, on March 7, 1977, the answer of the corporation was stricken and the corporation given an additional fourteen days in order to file an acceptable answer or have a default judgment entered against the corporation. Subsequent to the entry of this order, you received a letter addressed to you and signed by the president of the corporation. In this letter, the corporation complained of the unfairness of the striking of the answer of the corporation on the grounds that the agent signing the answer was not an attorney. This letter was apparently an ex parte communication to you by the president of the corporation and it does not appear to have been served upon the opposing party. You ask whether you may respond to the letter from the president of the corporation explaining your ruling if you serve the other party to this action with a copy of that response.

Based upon the foregoing statement of facts, we are of the opinion that it would not be proper for you to reply as you propose. Canon 3 A (4) of the Canons of Judicial Ethics of Alabama states in pertinent part as follows:

“A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to the law, and, except as authorized by law, neither initiate nor consider ex parte communications concerning a pending or impending proceeding....”

Very truly yours,