

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
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MONTGOMERY, ALABAMA 36104

March 1, 1978

The Judicial Inquiry Commission has considered your request for an opinion regarding whether or not a District Judge may hire as a confidential employee, the wife of a member of the local bar. The employee in question would be hired as your secretary.

Canon 3B(4) requires that a judge “ ... should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism.” This is the only Canon regulating the appointment of employees by a judge. It is therefore our opinion that the appointment in question could be made if the proposed appointee is the most qualified applicant for the position.

Very truly yours,