

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

January 30, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether any of the Alabama Canons of Judicial Ethics prohibit a judge from having his wife as his secretary under the particular facts stated. The facts stated are that she has been his secretary for twelve years, including his entire three-year tenure as judge, prior to the engagement.

The applicable Canon is Canon 3B(4). It provides that a judge “should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism” (emphasis added). In view of that applicable language and the specific facts stated, particularly the fact that the appointment was made three years prior to the engagement, it is the opinion of the Commission that continuation of the secretary’s employment after the marriage does not violate the Canons.

Yours very truly,

JUDICIAL INQUIRY COMMISSION