

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 25, 1986

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics judges may rotate the authorship of a monthly newspaper column designed to educate the public about such matters as child abuse laws, child support laws, jury service, criminal sentencing, etc. There would be a by-line showing the authorship of the column. However, the judges would receive no compensation. In this instance, the judge is hesitant for fear that the column would tend to appear to promote a certain newspaper.

Canon 4 of the Alabama Canons of Judicial Ethics provides that a judge may engage in activities, including writing, to improve the law, the legal system and the administration of justice. More specifically, Canon 4 and 4A provide:

“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 ... write ... and participate in other activities concerning the law, the legal system, and the administration of justice.”
(emphasis supplied)

Based on the foregoing Canon, it is the opinion of the Commission that the judges in a circuit may rotate the authorship of a newspaper column designed to improve the law, the legal system or the administration of justice. However, the judges may do so only within the very limiting restriction set out in Canon 4, i.e., “if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him.” This emphasized portion of the Canon does not limit itself to issues of fact but also includes legal issues. Thus, it goes without question that the subject matter included in the type of writing described in the fact situation here would have to be very limited.

If there is some real question, due to the newspaper competition in the locality, or other circumstances that the authorship of the column would appear to advance the promotion of one local newspaper over others the judge should decline to write the column. This is necessitated by the provisions of Canon 2C that a judge should not lend the prestige of his office to promote the private interests of others.

In such a column a judge must avoid giving any type of legal advice or commenting on substantive law. This is such a sensitive area that an individual judge may very well deem the writing of such a column to be completely inadvisable.

Sincerely,

JUDICIAL INQUIRY COMMISSION