

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a Justice of the Alabama Supreme Court may have published and marketed a book written by him on the Alabama Rules of Criminal Procedure.

A judge's extra-judicial activities and quasi-judicial activities are governed by Canons 4 and 5 of the Alabama Canons of Judicial Ethics. Canon 4 provides in pertinent part:

"A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

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 speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice."

Under Canon 5C governing financial activities it is provided:

"(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position."

As noted above, Canon 4 specifically allows a judge to write concerning the law so long as it does not cast doubt on his capacity to decide issues before him impartially. Canon 5 speaks similarly prohibiting those financial activities which reflect on the judge's impartiality, interfere with his judicial duties or exploit his judicial decisions.

In considering the provisions of Canons 4 and 5, it is the opinion of the Commission that the Canons of Judicial Ethics permit judges to write concerning the law and therefore to author books on specific areas of the law. It is further the opinion of the Commission that Canon 5 permits the marketing of learned treatises authored by a sitting judge and that the marketing of such a book would not violate Canon 5 unless, of course, the judge uses his position to market the book or allows the marketing process to interfere with the proper performance of the judge's official duties.