

Judicial Inquiry Commission

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December 20, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether certain circumstances constitute a violation of Canon 3B(4) of the Alabama Canons of Judicial Ethics. The facts concern the hiring of a secretary by the Chief Probation Officer of a District Court. It appears that the Chief Probation Officer wishes to appoint the District Judge's sister-in-law to this position. The appointing authority is the Chief Probation Officer, not the District Judge. However, the judge does exercise supervisory authority over the Probation Office. According to the facts presented, the person to be hired for the Probation Office is highly qualified for the position.

It is the opinion of the commission that the above fact situation presents no violation of Canon 3B(4) of the Alabama Canons of Judicial Ethics. That Canon governs appointments made by judges. Since in this instance the judge is not the appointing authority, that Canon would have no effect.

Sincerely,

JUDICIAL INQUIRY COMMISSION