

Judicial Inquiry Commission

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April 4, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under Canon 2C of the Alabama Canons of Judicial Ethics a judge may give an affidavit of character to a law student in relation to his admission to the Bar.

It is the opinion of the Commission that Canon 2C does not prohibit the judge giving the described affidavit. The issue appears to be specifically determined by Canon 2C and the Commentary thereto. Canon 2C provides:

A judge ... should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness at any hearing before any court, or judicial or governmental commission.

The pertinent Commentary provides:

This canon does not per se prohibit a judge from writing a letter of recommendation disclosing personal information of someone's experience, character, or ability. Such letter, however, should not be written if the recipient is engaged in litigation before the judge or it is likely that the recipient will be engaged in proceedings that would ordinarily come before the court.

In this instance, unless the judge knows of some litigation in which the law student is involved or likely to become involved, Canon 2C would not prohibit the judge's supplying the character affidavit.

Sincerely,

JUDICIAL INQUIRY COMMISSION