

## 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 District Court Judge who handles domestic violence cases may enter into an interagency agreement which speaks to issues of policy and procedure in the handling of domestic violence cases. The agreement was composed by the Domestic Violence Task Force in the county in which the judge presides. The agreement states that domestic violence cases "shall receive expeditious processing and shall have high priority in the overall case management of the court." The agreement further requires the Domestic Relations and Juvenile Courts to provide copies of "Restraining Orders to the Central Registry operated and maintained by the Central Dispatch Division of the Tuscaloosa Police Department" and places a burden on the court to review these orders periodically and see that all stale or rescinded orders are removed. The agreement further provides for certain priority scheduling in the Domestic Relations and Juvenile Courts.

It is the opinion of the Commission that under the Alabama Canons of Judicial Ethics a judge should refrain from entering into an agreement such as that described. While the mission of ending domestic violence is laudable, the agreement in question extends beyond a judge's permitted activities. This opinion is based on Canons 1 and 2 of the Alabama Canons of Judicial Ethics. These Canons provide in pertinent part as follows:

### CANON 1

#### A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

### CANON 2

#### A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

- A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The proposed agreement raises issues bringing the independence and impartiality of the judiciary in domestic violence cases into question. In Canons 1 and 2, a judge is

required to conduct himself in such a manner as to protect not only the independence and impartiality of the judiciary but also the appearance of independence and impartiality. By signing the presented agreement it appears that the judge agrees to schedule certain cases and give priority to certain cases whether or not under the facts presented to the judge such priority or scheduling is required. The agreement further appears to place upon the judge the duty of checking the police department's central registry file to make certain that it is not outdated, thus giving the judge certain administrative functions of the police department. These are merely two examples of the appearance of diluting the independence and impartiality of the judiciary which would occur by a judge's entering into the proposed agreement.

In observing Canons 1 and 2, local judges must be ever mindful of the importance placed on the appearance of an independent and impartial judiciary. The agreement in question by the examples given at the least have an adverse effect upon this appearance.