

Judicial Inquiry Commission

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June 4, 1991

In your letter of April 26, 1991, you request an opinion from the Judicial Inquiry Commission on the following issue:

“In a case where a licensed professional has had a fraud verdict against him which will result in the loss of the license to practice that profession, may the Court grant a judgment notwithstanding the verdict in favor of the licensed professional when the motion for such relief is confessed or consented to by the opposing party, with the result that the license would not be suspended or terminated?”

It is the opinion of the Commission that the granting of the motion under these circumstances would not constitute a violation of the Alabama Canons of Judicial Ethics where the sole reason for granting the motion is the consent of the parties. In such a situation, the judgment should reflect that the verdict is set aside based upon the consent of the parties.

Sincerely,

JUDICIAL INQUIRY COMMISSION