

Judicial Inquiry Commission

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June 4, 1991

In your letter of May 8, 1991, you request an advisory opinion from the Judicial Inquiry Commission on the following question:

“Is a trial level judge prohibited by the Canons of Judicial Ethics from being a bar examiner-proctor in the sense that he/she could draft actual bar examination essay questions, sit as a proctor in the bar exam while their questions are given, and grade the responses to their questions?”

It is the opinion of the Commission that a judge may be an examiner for the Alabama State Bar examination. This activity is authorized by Canon 4, Alabama Canons of Judicial Ethics, which permits a judge to engage in activities to improve the law, the legal system, and the administration of justice. The Commentary to Canon 4 states:

“As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that his time permits, he is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.”

We trust that this response answers your inquiry.

Sincerely,

JUDICIAL INQUIRY COMMISSION