

Judicial Inquiry Commission

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This is in response to your request for an advisory opinion from the Judicial Inquiry Commission.

A judge may provide Martindale-Hubbell, Inc. with a confidential recommendation with respect to a lawyer who practices before the judge even where the attorney appears before the judge on a frequent basis. Where the judge's recommendation is not volunteered by the judge but is restricted to a specific request for information, and where the judge's recommendation is kept confidential and is not disclosed to the attorney, the danger of misusing the prestige of office to advance the private interests of another in violation of Canon 2C, Alabama Canons of Judicial Ethics, is not present. See Nebraska Ethics Advisory Committee opinion 90-2.

This Commission has previously approved such confidential recommendations in Advisory Opinion 83-177. This appears to be an accepted ethical practice. See Florida Committee on Standards of Conduct Governing Judges, opinion 73-13; Maryland Judicial Ethics Committee opinion 56; Missouri Commission on Retirement, Removal & Discipline, opinion 133; New York Advisory committee on Judicial Ethics, opinion 89-119; Pennsylvania Judicial Ethics Committee of the Pennsylvania conference of State Trial Judges, opinion 21; Washington, D.C. Advisory Committee on Judicial Conduct, opinion 87-10.