

JUDICIAL INQUIRY COMMISSION

DATE ISSUED: SEPTEMBER 10, 1999

ADVISORY OPINION 99-737

WRITING A LETTER TO A NEWSPAPER COMMENDING A LEGISLATOR

ISSUE

May a judge write a certain letter to local newspapers praising a member of the state legislature from that locality? **Answer:** No.

FACTS

A district judge proposes to send a certain letter to local newspapers, in the form of a letter to the editor, signed with the judge's title of office. The proposed letter praises the actions of a particular legislator in connection with legislation sponsored by that legislator, and would be submitted in conjunction with a large advertisement taken out by the board of an organization that lobbied for this legislation. The letter indicates that the legislator's efforts were superior to those of other legislators in general, and it also states that the legislator is in a position to effectively represent his constituency.

DISCUSSION

It is the opinion of the Commission that the judge may not send the letter to the editor he proposes. This conclusion is based on consideration of provisions in Canons 1, 2C, 4A, and 7 of the Alabama Canons of Judicial Ethics.

In pertinent part, Canon 1 requires judges to uphold the independence of the judiciary. Canon 2C contains a provision that a judge "should not lend the prestige of his office to advance the private interests of others." Canon 4A allows a judge to "speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice" under certain conditions. Canon 7 requires a judge to "refrain from political activity inappropriate to judicial office."

In addressing participation by a judge in lobbying for legislation recently, the Commission noted that "[w]henever a group engages in advocacy regarding substantive legal issues, participation by a judge should be carefully scrutinized." Advisory Opinion 99-732.

It appears to the Commission that the letter submitted to it for review could easily be construed as a public endorsement of the legislator in question, and might be used as such in future campaigns by that legislator. The Commission notes that it concluded under the original Canon 7 that public endorsements of nonjudicial candidates are undesirable and strongly discouraged, especially when the judge's judicial title would be used to identify his official position. Advisory Opinions 78-39, 80-95, and 82-142. *See also*, Advisory Opinion 84-209 (a judge must not lend the prestige of his office to advance the campaign [of a candidate for nonjudicial office]).

REFERENCES

Alabama Advisory Opinions 78-39, 80-95, 82-142, 84-209, and 99-732.

Alabama Canons of Judicial Ethics, Canons 1, 2C, 4A, and 7.

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; e-mail: jic@alalinc.net.