

Rules of Procedure of Judicial Inquiry Commission

Rule 5.

Confidentiality of proceedings.

A. All proceedings of the commission shall be confidential, except the filing of a complaint with the Court of the Judiciary; provided, however, that none of the following actions permitted to be taken by the commission shall be deemed a violation of confidentiality:

(1) When a judge has been publicly charged or is the subject of an investigation by the commission, or in any proceeding in which the subject matter is generally known to the public and in which there is a broad public interest, the commission may, at the request of the judge involved, issue one or more short announcements approved by the judge confirming or denying the existence of charges before it, clarifying the procedural aspects, or defending the right of a judge to a fair hearing, or in order to preserve public confidence in the administration of justice.

(2) In any instance where accusations against a judge have been considered by the commission and it has been determined that there is no basis for the filing of charges against the judge or for further proceedings before the commission, the commission may, at the request of the judge, issue an explanatory statement approved by the judge.

(3) The commission may, from time to time, issue press releases and other public statements explaining the nature of its jurisdiction, the procedure for institution of complaints, limitations upon its powers and authority, and reports on the conduct of the affairs of the commission, provided that such releases and reports shall not identify by name, position, address, or otherwise the identity of any judge or other person involved in any inquiry before the commission.

(4) When the commission refers a judge to the Alabama Lawyers Assistance Program ("ALAP") for evaluation under Rule 16, the commission may disclose relevant information to ALAP.

B. The commission shall have no power to restrict speech or communications by persons other than the members, staff, and agents of the commission itself.

C. No mandate for confidentiality shall be construed to abrogate or to restrict in any way the obligations of the commission to communicate with, and to disclose information to, a judge under investigation or who has been charged.

[Amended eff. 10-9-2001; Amended eff. 2-1-2009; Amended 4-1-2010, eff. 5-1-2010.]

Note from the reporter of decisions: The order amending the Rules of Procedure of the Judicial Inquiry Commission, effective February 1, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 996 So.2d.

Note from the reporter of decisions: The order amending Rule 5.C., Rule 6, and Rule 19, Rules of Procedure of the Judicial Inquiry Commission, effective May 1, 2010, as well as Justice Smith's and Justice Bolin's writings concurring specially in that order and Chief Justice Cobb's writing dissenting from that order, is published in that volume of the *Alabama Reporter* that contains Alabama cases from 31 So. 3d.