

IN THE SUPREME COURT OF ALABAMA  
July 1, 2019

ORDER

IT IS ORDERED that the Commentary to Canon 1, the Commentary to Canon 2, Canon 3.A(6), and the Commentary to 3.A(6), Alabama Canons of Judicial Ethics, be amended to read in accordance with Appendices A, B, C, and D, respectively, to this order;

IT IS FURTHER ORDERED that the amendments to the Commentary to Canon 1, the Commentary to Canon 2, Canon 3.A(6), and the Commentary to Canon 3.A(6) be effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to the follow Canon 1, Canon 2, and Canon 3:

"Note from the reporter of decisions: The order amending the Commentary to Canon 1, the Commentary to Canon 2, Canon 3.A(6), and the Commentary to Cannon 3.A(6), Alabama Canons of Judicial Ethics, effective July 1, 2019, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

**Witness my hand this 1st day of July, 2019.**



**Clerk, Supreme Court of Alabama**

**FILED  
July 1, 2019  
3:59 pm  
Clerk  
Supreme Court of Alabama**

## APPENDIX A

### Commentary to Canon 1 as Amended Effective July 1, 2019

Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn upon their acting without fear or favor. A judiciary of integrity is one in which judges are known for their probity, fairness, honesty, uprightness, and soundness of character. An independent judiciary is one free of inappropriate outside influences when deciding cases. Although judges should be independent, they must comply with the law, including the provisions of these Canons. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of the Canons diminishes public confidence in the judiciary and thereby does injury to the system of government under the law.

This Canon is not intended to proscribe or punish any public comment by a judge unless such public comment is impermissible under Canon 3.A(6).

## APPENDIX B

### Commentary to Canon 2 as Amended Effective July 1, 2019

Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. Judges must expect to be the subject of constant public scrutiny. They must, therefore, accept restrictions on their conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The testimony of a judge as a character witness injects the prestige of judicial office into the proceeding in which the judge testifies and may be misunderstood to be an official testimonial. This Canon, however, does not exempt a judge from testifying if the judge is officially summoned. This Canon does not per se prohibit a judge from writing a letter of recommendation disclosing personal information of someone's experience, character, or ability. Such a letter, however, should not be written if the recipient is engaged in litigation before the judge or it is likely that the recipient will be engaged in proceedings that would ordinarily come before the court.

This Canon is not intended to proscribe or punish any public comment by a judge unless such public comment is impermissible under Canon 3.A(6).

APPENDIX C

Canon 3.A(6),  
Alabama Canons of Judicial Ethics

(6) A judge should abstain from public comment that reasonably can be expected to affect the outcome or impair the fairness of a proceeding that the judge knows or reasonably should know is pending or impending in any court in Alabama.

## APPENDIX D

### Commentary to Canon 3.A(6) as Amended Effective July 1, 2019

Canon 3.A(6) balances the First Amendment rights of judges with the public interest in the protection and preservation of public confidence in the integrity and impartiality of Alabama's judiciary. Public discussion by judges of an issue of public importance cannot be proscribed or punished under this Canon solely because the issue may happen to be the subject of a pending or impending proceeding in any court, especially courts outside Alabama. In addition, this Canon does not prohibit a judge from making statements of an educational or informational nature about past decisions of any court.

For purposes of this Canon, "impending" means imminent or expected to occur in the near future. Additionally, a proceeding shall be deemed to be "impending in any court in Alabama" when an action originated in a court in Alabama and is pending in an appellate court with the possibility that there could be further proceedings in a court in Alabama as a result of some action taken by the appellate court.