

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

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The Judicial Inquiry Commission has considered your request for an opinion regarding certain campaign conduct of a candidate in an election for judicial office where the candidate is not a judge. You also seek an opinion concerning what type of campaign conduct would be appropriate for a judge who feels it necessary to respond to an opponent's allegations during an election.

In response to your first question, it is the opinion of the Commission that a candidate for judicial office, who is not a judge, is not subject to the jurisdiction of the Judicial Inquiry Commission but is subject to the original jurisdiction of the Alabama Supreme Court. (Canon 7C of the Alabama Canons of Judicial Ethics.)

Canon 7C specifically provides that:

“A candidate for any judicial office not subject to the jurisdiction of the judicial inquiry commission or the court of the judiciary who breaches any applicable mandatory provision of these canons shall be subject to the original jurisdiction of the supreme court of Alabama.”

Since the Judicial Inquiry Commission and the Court of the Judiciary have no jurisdiction over non-judges, it is the opinion of the Commission that your inquiries or complaints involving a non-judge candidate for a judicial office should be referred to the Supreme Court of Alabama for consideration by that Court.

Your remaining questions regarding the campaign conduct of an incumbent judge are presently being studied by the Commission.