

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 29, 1981

Due to the fact that §36-10-8, Code of Alabama, 1975 was repealed effective January 1, 1980 by Acts 1977, No. 607, P. 812, §9901, as amended, the Commission has adopted the following amended advisory opinion, 81-105, as a substitute for your second question in your correspondence dated January 27, 1981.

You stated that a judge and a lawyer own certain law firm assets, including law books, typewriters, furniture and equipment. You asked whether the judge and the lawyer would be prevented from selling any of these assets to the University of Alabama Law Center Library or to a county or state agency. Your further asked if it would be permissible for the judge to sell his interest in the law books to the lawyer, knowing that the lawyer either planned to sell or possibly could sell the law books to any of the above-stated agencies.

In response to your questions, the Judicial Inquiry Commission is unaware of any state statutes or Canons of Judicial Ethics which would prohibit the sale of the jointly-owned books or equipment by the judge and the lawyer to any state or county institution or agency. However, prior to entering into such a sale, you should take note of §13A-10-62, Code of Alabama, 1975. Also, the Canons do not prohibit the sale of law books to your former law partner.

Sincerely,

JUDICIAL INQUIRY COMMISSION