

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

March 2, 1981

The Judicial Inquiry Commission has considered your request for an opinion concerning whether the members of a law firm with which a part-time municipal judge, who is actively engaged in the practice of law, is associated, may ethically serve as counsel in cases in state district and circuit courts where such cases do not in any way involve the municipal court. You further state that the cases in question are investigated and presented by the police department of the municipality.

It is the opinion of the Commission that the Canons of Judicial Ethics do not prohibit a part-time municipal court judge from serving as counsel in proceedings before state district and circuit courts even though the proceedings involve matters investigated and presented by municipal police officers. Such proceedings must however in no way involve matters previously presented before the part-time municipal court judge.

The Commission further notes that it is without jurisdiction to advise the remaining members of the municipal judge's law firm as to whether similar legal representation by them would constitute unethical conduct, since those attorneys are not covered by the Canons of Judicial Ethics.

Sincerely,

JUDICIAL INQUIRY COMMISSION