

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

November 1, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning the following question:

“May a Circuit Judge serve as an Area Coordinator for the State Democratic Committee Dinner and as such Coordinator, organize the sale of \$25 per plate tickets, arrange for the place of the dinner, including all necessary details, appear on the speaker’s platform with the Democratic officeholders within and without the State and introduce the occasion’s principal speaker, who will be a visiting Democratic United States Senator?”

The Commission has considered similar questions on several occasions, i.e., Advisory Opinions 77-30, 78-39, 78-46 and 82-154. In each of these opinions the Commission considered the strong admonitions of Canon 7A(l) of the Alabama Canons of Judicial Ethics. That canon explicitly provides that:

“A judge ... should endeavor at all times to refrain from political activities inappropriate to the judicial office that he holds ... It is desirable that a judge not be involved in the internal workings of political organizations ... and not be involved in political fund solicitations other than for himself.”

The canon further recognizes that so long as judges are subject to nomination and election as candidates of a political party, they cannot divorce themselves completely from political organizations and campaign activities which may be involved in their election or reelection. However, should a judge find that he must be involved in the campaign activities noted above as being undesirable,

“It is imperative that he conduct himself in manner at all times to prevent any political considerations, entanglements or influences from ever becoming involved in or from ever appearing to be involved in any judicial decision or in the judicial process.”

Further, the Commission has held that this canon must be read in conjunction with Canons 1 and 2. Given these very strong admonitions, it is difficult to imagine circumstances under which a judge could serve as Area Coordinator for a political party committee dinner and as such organize ticket sales, and arrange all the details of the dinner, especially within the geographical area from which he is elected, without political considerations, entanglements or influences ever appearing to be involved in the judicial process.

However, if a judge can engage in such activities and conduct himself in such a manner as to fall within the high standards of conduct required by these canons, he may do so.

Concerning the other aspects of the question presented, the Commission holds that a judge may appear on the speaker's platform and may introduce the main speaker at a political party function without violating the Canons of Judicial Ethics if in so doing he conducts himself in such a manner as to maintain the high standards of conduct set out in the canons.

Sincerely,

Note:

Opinion 82-154 holds that a judge should not serve on a committee involved in the solicitation of funds citing Advisory Opinions 77-30, 78-39 and 78-46.

77-30 holds that service on the state Democratic Executive Committee is explicitly discouraged but not prohibited.

78-39 holds that canon 7A(l) places a burden on a judge to carefully consider whether fund-raising activities, under a given set of circumstances, would violate canons 1 and 2 or the spirit of canon 7. It would be virtually impossible for a judge to solicit money from lawyers or litigants within his jurisdiction without political considerations appearing to be involved in his judicial decisions or the judicial process.