

Judicial Inquiry Commission

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February 2, 1987

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics it is permissible for a third party to solicit and collect campaign contributions to retire the campaign debt of a (newly elected) incumbent District Judge.

It is the opinion of the Commission that your question is answered in the affirmative. Under the Alabama Canons of Judicial Ethics, it is permissible for a third party to solicit and collect campaign contributions to retire the campaign debt of a (newly elected) incumbent District Judge.

Campaign and political conduct is governed by Canon 7 of the Alabama Canons of Judicial Ethics. Canon 7 provides that:

“A judge should refrain from political activity inappropriate to his judicial office.”

The Canon further recognizes that in a system of elected judges, members of the judiciary must engage in some political activities. It is, of course, a given fact that it would be impossible to conduct any political campaign without fund-raising activities both during the campaign and, if necessary, after the election to retire campaign debts.

Based on the foregoing, it is the opinion of the Commission that Canon 7 does not prohibit a third party engaging in appropriate fund-raising conduct to retire a judge's campaign debt. The judge should, however, admonish his supporters to follow the provisions of Canon 7B. Canon 7B provides as follows:

“B. Campaign Conduct:

- (1) A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:
 - (a) Should maintain the dignity appropriate to judicial office.
 - (b) Should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this canon.

- (c) Should not make pledges or promises of conduct in office other than the faithful and impartial performances of the duties of the office; should not announce in advance his conclusions of law on pending litigation; and should not misrepresent his identity, qualifications, present position or other fact.
- (d) Should not use or permit the use of campaign contributions for the private benefit of himself.

The solicitation and collection of campaign contributions both before and after an election must be done within these guidelines.

Sincerely,

JUDICIAL INQUIRY COMMISSION