

Judicial Inquiry Commission

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March 28, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics it is proper for a district judge, who is running for circuit judge, to appear in his campaign literature in his judicial robes.

It is the opinion of the Commission that the above described facts do not present a violation of the Alabama Canons of Judicial Ethics. A judge's campaign conduct is governed primarily by Canon 7. That canon provides:

"A Judge Should Refrain From Political Activity Inappropriate to His Judicial Office"

Canon 7B further provides:

"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."

In addition, a judge should be ever mindful of the provisions of Canons 1 and 2 in conducting campaign activities. Those canons require that at all times a judge should uphold the integrity of the judiciary and should avoid impropriety and the appearance of impropriety in all his activities. Under the provisions of these canons, the judge should make sure that his campaign literature accurately reflects his qualifications. Thus, the campaign literature including the picture of the judge should in no way suggest that the district judge has previously served as circuit judge.

Sincerely,

JUDICIAL INQUIRY COMMISSION