

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

February 28, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a municipal judge must resign his position in order to run for a nonjudicial office. In the alternative, you ask whether the canons allow for a judge to take a leave of absence from his judicial office rather than resign his position under these circumstances.

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics require that a judge, who becomes a candidate for a nonjudicial office, resign his judicial position. Canon 7A(2) is specific in its requirements. That canon provides:

“A judge should resign his office when he becomes a candidate either in a political primary or in a general election for a nonjudicial office, ...”

This canon leaves no room for interpretation. A candidate’s only alternative is to resign his judicial position when he runs for a nonjudicial office.

Very truly yours,

JUDICIAL INQUIRY COMMISSION