

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

October 27, 1995

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission concerning the use of surplus campaign funds for various expenditures.

As noted in your request for an opinion, Canon 7B(l)(d) provides that a judge should not use campaign contributions for his private benefit. It is the Commission's opinion that it would not constitute a violation of Canon 7B(l)(d) for an elected judge to use surplus campaign funds to buy a chair or other office equipment to use in the judge's office or courtroom which would be donated to the State.

This Commission recognizes as a reality that the viable constituency of an elected judge includes the members of the bench and bar. It is generally within this group that the judge will find the financial support necessary to keep the judge in office. Moreover, Canon 7A(l) recognizes that "so long as judges are subject to nomination and election as candidates of a political party, it is realized that a judge as a candidate for election to a judicial office cannot divorce himself completely from political organizations and campaign activities which, indirectly or directly, may be involved in his election or re-election." Accordingly, it is also the opinion of the Commission that an elected judge may use surplus campaign funds to pay special membership dues to the Alabama State Bar and to pay membership dues to the local chapter of the American Inn of Court without violating Canon 7B(l)(d).

Tuition, transportation and other expenses for judicial education programs and for general continuing legal education programs appear to be related to a judge's duties as a holder of office and/or a legitimate campaign expense associated with maintaining a judge in the office to which he was elected. Thus, it is the opinion of the Commission that it would not constitute a violation of Canon 7B(l)(d) for an elected judge to use surplus campaign funds to pay tuition, transportation, and other ordinary and necessary expenses for judicial education programs and for general continuing legal education programs.

The foregoing opinions relate to Canon 7B(l)(d). Additional circumstances not related in your request for an opinion might also call into play the provision in Canon 2 that a judge should avoid not only actual impropriety but also the appearance of impropriety in all of his or her activities.

Canon 2A also states that a judge should comply with the law. By law, judges are subject to the provisions of the Alabama Fair Campaign Practices Act, §17-22A-1 through -23, Ala. Code 1975, and the provisions of the State Ethics Law, §36-25-1 95-

through -30, Ala. Code 1975, and a violation of either law would constitute a violation of Canon 2A. Both of these laws appear to apply to your inquiries. The Judicial Inquiry Commission is not empowered to provide opinions regarding what would or would not constitute a violation of either the Fair Campaign Practices Act or the Ethics Law. A request for an opinion concerning the Fair Campaign Practices Act should be addressed to the Office of the Attorney General. A request for an advisory opinion concerning the State Ethics Law should be addressed to the State Ethics Commission.