

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

June 28, 1996

The Commission has considered your request for an advisory opinion concerning whether a judge is disqualified to sit in a case under the following circumstances. The judge received unsolicited personal campaign contributions in 1994 totaling \$3,100.00 (half of which the judge returned) from three attorneys who practice in the same law firm as two attorneys for the plaintiff's attorneys. The judge also received unsolicited campaign contributions totaling \$1,000.00 from an attorney and a law firm which represents some of the plaintiffs; one half of these contributions also were returned. The judge also attended the formal investiture of an United States Magistrate Judge who had been one of the attorneys for some of the plaintiffs; this was in the judge's capacity as an officer of the circuit court and pursuant to the judge's practice to attend judicial investiture ceremonies.

This Commission has ruled in the past that mere receipt of campaign contributions from an attorney or firm involved in a case does not cause disqualification. On the facts presented, it is the opinion of the Commission that the judge is not disqualified. However, if the judge knows of any additional facts which would cause the judge's impartiality to reasonably be questioned, then disqualification would be required under Canon 3C(1).

Respectfully,

JUDICIAL INQUIRY COMMISSION