

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

May 9, 1997

The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a judge (the “donating judge”), who made a campaign contribution to a fellow judge (the “recipient judge”) some eight years before, is disqualified or should recuse himself from hearing a Rule 32 petition in a capital case tried before the judge to whom the contribution was made. In this case, the recipient judge has reassigned the Rule 32 action to the donating judge after having been ordered to recuse himself for unrelated reasons.

It is the opinion of the Commission that disqualification is not required under the facts stated.

The Commission has concluded in the past the mere receipt of campaign contributions from an attorney or firm involved in a case does not cause disqualification. Thus, if the case has been reassigned to the recipient judge by the donating judge, there would not be a problem. Changing the direction of reassignment should not change the result. The donating judge has not become beholden to the recipient judge as a result of the contribution any more than the recipient judge becomes beholden due to his or her contributors. This is even more the case when the contribution was made sometime before, i.e., eight years in this case. Thus, on the facts presented, it is the Commission’s opinion that the judge is not disqualified.

Yours very truly,

JUDICIAL INQUIRY COMMISSION