

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a judge may, in his campaign for re-election, refer to his opponent's qualifications with respect to types of cases his opponent has not handled. You specifically ask whether the Alabama Canons of Judicial Ethics allow statements by the judge that his opponent in an upcoming election has never represented a mother seeking child support in district or family court, has never represented a juvenile in juvenile court, and has never represented an indigent defendant before the district court at issue.

It is the opinion of the Commission that a judge may make statements in his campaign for re-election which address the qualifications of his opponent by pointing out types of cases that come before the court with which his opponent has no experience. Canon 7 permits comment on the relative qualifications of the candidates; the experience of a candidate is a matter of legitimate concern for the electorate.

Of course, any statements made must be both true and not misleading to a reasonable person. Canon 7B(1)(c) prohibits misrepresentation of fact, and Canon 7B(2) further states the following with regard to campaign communications:

During the course of any campaign for nomination or election to judicial office, a candidate shall not, by any means, do any of the following:

Post, publish, broadcast, transmit, circulate, or distribute false information concerning a judicial candidate or an opponent, either knowing the information to be false or with reckless disregard of whether that information is false; or post, publish, broadcast, transmit, circulate, or distribute true information about a judicial candidate or an opponent that would be deceiving or misleading to a reasonable person.

Also, in all campaign conduct, a judge must maintain the dignity appropriate to judicial office. Canon 7B(1)(a).

A judge is free to criticize a challenger's experience during the course of a political campaign so long as the criticism is accurate, not misleading, and the judge maintains the dignity appropriate to judicial office. Canon 7B(1)(a), 7B(1)(c), and 7B(2).

Yours truly,

JUDICIAL INQUIRY COMMISSION