

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether a circuit judge may serve as a delegate to a national convention or mini convention of a national political party under the Alabama Canons of Judicial Ethics.

As you know, Canon 7 of the Alabama Canons of Judicial Ethics is addressed to political activity of judges. Canon 7(l) specifically discourages involvement in the internal workings of political organizations by providing that:

“(1) It is desirable that a judge or candidate for election to judicial office endeavor not to be involved in the internal workings of political organizations....”

While such activity is thus not prohibited, Canon 7 does, however, mandate that:

“...should a judge ... be directly or indirectly involved in the internal workings or campaign activities of a political organization, it is imperative that he conduct himself in a manner at all times to prevent any political considerations, entanglements or influences from ever becoming involved in or appearing to be involved in any judicial decision or in the judicial process.”

It is the opinion of this Commission that Canon 7 strongly discourages the political activity that you describe. The Canon does not prohibit such activity thus leaving the final decision up to the judge.

If a judge should engage in such political activity he must be extremely cautious so that his conduct does not in any way interfere with his judicial duties or reflect adversely on the integrity, impartiality or independence of the judiciary.

Canon 7A(2) requires a judge to resign his office when he becomes a candidate for non-judicial office. It is our opinion that this Canon pertains to national, state or local governmental offices and not to offices of political organizations.