

Judicial Inquiry Commission

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June 4, 1980

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under Canon 7A(2) of the Alabama Canons of Judicial Ethics, a District Judge may be a candidate for the office of district attorney without having to resign his position as judge.

Canon 7A(2) provides in pertinent part that:

“A judge should resign his office when he becomes a candidate ... for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to any judicial office... .”

It is the opinion of the Commission that a “judicial office” within the meaning of Canon 7A(2) is an Appellate, Circuit, District, or Municipal Court judgeship. Thus, it is the opinion of this Commission that that position is not a judicial office as contemplated in Canon 7A(2) and a District Court Judge must resign his judgeship when he becomes a candidate for a non-judicial office.