

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

March 2, 1981

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a retired judge on active or inactive status can hold office in the Alabama Legislature.

It is the opinion of the Commission that the Canons of Judicial Ethics do not prohibit inactive retired judges from serving in the Alabama Legislature in that under Section D of the "Compliance with the Canons" Section of the Alabama Canons of Judicial Ethics provides that the Canons have no application to inactive retired judges. However, Canon 7 pertaining to political activities of judges is applicable to all active retired judges. Therefore, it is the opinion of the Commission that Canon 7A(2) would prohibit retired judges on active status from being a member of the Legislature.

The Commission would further note that this Commission's authority to issue opinions extends only to the application of the Canons of Judicial Ethics. Therefore, the Commission does not purport to address legal issues arising out of the statutes or provisions of the Alabama Constitution pertinent to your question.

Sincerely,

JUDICIAL INQUIRY COMMISSION