

Judicial Inquiry Commission

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August 27, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a District Court Judge may run a newspaper ad saying that only he as District Court Judge has the authority to nol pros cases in the District Court or could the judge make the same statement at a political rally. The judge bases this request upon certain facts. These facts are as follows:

The judge is an unopposed candidate for re-election. However, the District Court Clerk has opposition. Supporters of the Clerk's opponent are distributing copies of the DUI record of the husband of an employee in the Clerk's office and suggesting that the Clerk nol prosed the DUI cases.

The question presented here is answered generally by Advisory Opinion 78-39. A copy of that opinion is enclosed for your convenience. In that opinion we specifically held that under Canon 7 of the Canons of Judicial Ethics, it is desirable and encouraged that a judge not engage in campaign activities in connection with a candidate for non-judicial office. However, such activity is not prohibited.

In Opinion 78-39, we also recognized that during a political campaign a judge or candidate for judicial office must be ever mindful of the provisions of Canons 1 and 2.

Very truly yours,

JUDICIAL INQUIRY COMMISSION