

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

November 1, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a part-time municipal court judge may share office space with the part-time prosecutor for the same city.

Under the Alabama Canons of Judicial Ethics, part-time judges are not precluded from a compliance with Canon 5C concerning financial activities. Specifically concerned here are subsection (1) and (3) of Canon 5C. Those subsections provide:

- (1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position.
- (3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified.

Based upon these provisions, it is the opinion of the Commission that a part-time municipal judge is prohibited from sharing office space, secretary and telephone with a part-time prosecutor in their private capacity. Such a financial arrangement would reflect adversely on his impartiality under Canon 5C(3) and 3C(l), and cause his disqualification in all cases prosecuted by the attorney, who shares office space with the judge.

Yours very truly,

JUDICIAL INQUIRY COMMISSION