

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

May 28, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from sitting in a proceeding in which a party is known to the judge to have contributed to his past judicial campaign fund and, otherwise, generally supported him for office.

Disqualification is covered generally by Canon 3C of the Alabama Canons of Judicial Ethics. In pertinent part, that Canon provides:

- (1) a judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where:
 - (a) He has a personal bias or prejudice concerning a party ...

Further, it is recognized in Canon 7 that judges in this State are subject to nomination and election in political campaigns. To run for office a judge's campaign must be financed, as any other candidate's, through financial contribution.

Based on Canon 3C(l) and Canon 7, and upon the fact that judges in Alabama hold elective offices, it is the opinion of the Commission that the mere fact that a party to a proceeding contributed \$100 to the judge's campaign and generally supported the judge for office does not cause the judge to be disqualified from sitting in the proceeding. However, the addition of other factors might cause the judge's impartiality to be reasonably questioned, depending on the totality of the circumstances in each particular case.

Yours very truly,

JUDICIAL INQUIRY COMMISSION