

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

October 29, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a newly appointed part-time municipal court judge may represent a client on an appeal de novo to the circuit court from a ruling of the municipal court which occurred prior to the judge's appointment.

The judge states that he represented the client before the municipal court and that he believes that the client may be prejudiced if the judge withdraws as his attorney on the appeal.

It is the opinion of the Commission that the municipal judge should not continue to represent his client on an appeal de novo from a prior ruling of the municipal court and that to do so would violate Canon 2 of the Alabama Canons of Judicial Ethics.

### CANON 2

#### A Judge Should Avoid Impropriety and the Appearance Of Impropriety in All His Activities

- A. A judge should respect and comply with the law and should conduct himself as all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Under this Canon, it is the opinion of the Commission that the described activity does not promote public confidence in the integrity and impartiality of the judiciary since while serving as a judge, a lawyer would seek to overturn a proceeding occurring before his own court, even though that proceeding occurred prior to the judge's assuming the bench.

Further, the proceeding could again come before the municipal court over which the judge presides.

Sincerely,

JUDICIAL INQUIRY COMMISSION