

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge may preside over a proceeding in which one of the litigants or a litigant's attorney has made campaign contributions to the judge. You also ask what duties does the judge have to the other litigants and attorney in regard to disclosing to them the circumstances surrounding such contribution.

It is the opinion of the Commission that the mere fact that a trial judge has received campaign contributions from a litigant or a litigant's attorney does not disqualify the judge from sitting in a proceeding in which that litigant or attorney appears. However, circumstances might arise due to which disqualification might be required.

This opinion is based on the provisions of Canon 3C and Canon 7 of the Alabama Canons of Judicial Ethics. While Canon 3C governs disqualification of judges, Canon 7 governs campaign activities. Canon 3C provides pertinent part that:

“(1) A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned ...”

This provision must be considered in light of the reality that judges in Alabama are subject to nomination or election through political campaigns. Thus, it is apparent that a judge or a candidate for judicial office must accept campaign contributions in order to finance a campaign for judicial office. Canon 7 recognizes this reality. Therefore, to disqualify him in all proceedings in which a campaign contributor appears as either a litigant or an attorney would be devastating to our system. Thus, unless special circumstances exist which could cause the judge's impartiality to reasonably be questioned, disqualification is not required.

As to your question concerning disclosure, campaign contributions are required by law to be disclosed in writing by a report filed with the Secretary of State. These are public records. Therefore, it is the opinion of the Commission that no further disclosure is required unless, of course, special circumstances exist which might otherwise cause disqualification.

Very truly yours,

JUDICIAL INQUIRY COMMISSION