

Judicial Inquiry Commission

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March 28, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge, who is a candidate for judicial office, may solicit support by mail from persons who have previously served as jurors in cases in which the judge presided. The solicitation would be in the form of a personal letter from the judge to the past jurors commending them for their service and making a direct appeal for support for the judge's candidacy. The letter would be prepared strictly at the judge's personal expense, on his personal time away from the courthouse and would utilize no State personnel or equipment in its preparation.

It is the opinion of the Commission that, carefully worded, such a letter would not violate the Alabama Canons of Judicial Ethics. The letter in question says little more than "thank you" to the jurors for serving, notes that they have had an opportunity to observe the judge on the bench, and asks the jurors to support the judge's re-election. The letter carefully describes the judge's actions in court as being in pursuit of a fair and effective court system.

Campaign conduct is governed primarily by Canon 7 of the Alabama Canons of Judicial Ethics. That canon provides:

"A Judge Should Refrain From Political Activity Inappropriate to His
Judicial Office"

Further, Canon 7B provides:

"B. Campaign Conduct:

- (1) A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:
 - (a) Should maintain the dignity appropriate to judicial office.
 - (b) Should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this canon.

- (c) Should not make pledges or promises of conduct in office other than the faithful and impartial performances of the duties of the office; should not announce in advance his conclusions of law on pending litigation; and should not misrepresent his identity, qualifications, present position or other fact.
- (d) Should not use or permit the use of campaign contributions for the private benefit of himself.”

The Commission has noted in previous opinions that candidates for judicial office should also be ever mindful of Canons 1 and 2. So long as the suggested letter of solicitation of support remains within the constraints of these canons, it remains acceptable campaign conduct. Under these canons, the letter must be such that it does not impinge upon the integrity or independence of the judiciary and must not even give the appearance of impropriety in its wording. However, as long as judges remain subject to election in a partisan political system, they must be able to seek support from those who have an opportunity to impartially observe their conduct.

Sincerely,

JUDICIAL INQUIRY COMMISSION