

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
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MONTGOMERY, ALABAMA 36104

December 20, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a part-time Municipal Court Judge is prohibited from representing a defendant in the District, Circuit or Appellate Courts where the case has been investigated and the arrest made by the police department of the town over which the part-time judge has jurisdiction.

In answer to your request, the Commission refers you to Advisory Opinion No. 83-195. There, the Commission considered a similar question and advised as follows:

It is the Commission's opinion that the Alabama Canons of Judicial Ethics do not prohibit a part-time municipal judge from representing criminal defendants in the district or circuit courts of any county or in the appellate courts. This is true even if members of the police force of the municipality, where he is judge, testify as witnesses in the case. However, the municipal judge should not act as an attorney in any case involving a matter when it or a closely related matter has come before or is likely to come before his court.

The Commission hereby reaffirms Advisory Opinion 83-195.

Sincerely,

JUDICIAL INQUIRY COMMISSION