

Judicial Inquiry Commission

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This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you may place an advertisement in a local school annual year book or football program.

A judge must endeavor to maintain public confidence in the judiciary at all times by his responsible and proper conduct. Canons 2B and 5A, Alabama Canons of Judicial Ethics. A judge “should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him.” Canon 2C. However, a judge “should not become isolated from the society in which he lives.” Commentary to Canon 5A. While a judge should refrain from political activity inappropriate to his judicial office, Canon 7A recognizes the practical necessity of political activities by an incumbent judge.

With these admonitions, it is the opinion of this Commission that a judge may place an advertisement in a local school annual yearbook or football program. In that advertisement the judge may identify himself or herself as judge and, an incumbent judge may be pictured in his or her robe. If applicable, the incumbent judge may list himself or herself as a candidate for judicial office, even prior to the time of qualifying for re-election. The Alabama Canons of Judicial Ethics do not limit the time in which an incumbent judge may campaign for re-election. See generally J. Shaman, S. Lubet, J. Alfini, Judicial Conduct and Ethics § 11.05 (1990). Any advertisement must maintain the dignity appropriate to the judicial office. Any statements made in the advertisement must be true and not misleading. See Judicial Conduct at § 11.11.

This advisory Opinion has been reviewed and approved by the Judicial Inquiry Commission and is the opinion of the Commission.