

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

January 23, 1998

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge whose office has lawfully received used computer equipment from another state agency through the Surplus Property Division of the Department of Economic and Community Affairs should return that equipment to the donating agency pursuant to Advisory Opinion 97-682. The judge did not solicit the equipment.

It is the opinion of the Commission that the equipment need not be returned. Advisory Opinion 97-682 concerned the donation of property by private sector manufacturers and vendors. In that opinion, the Commission held that a judge could receive and use such equipment under the auspices of an AOC committee that is testing and evaluating new technology, but should not directly solicit donations. The fact situation you present involves equipment owned by a state agency that the judge did not himself solicit.

A donating agency derives no benefit from surplus property dispositions under Title 41, Chapter 16, Article 6 of the Alabama Code. The acquisition by a judge's office of surplus property under this state law is not prohibited by the Alabama Canons of Judicial Ethics.

Yours truly,

JUDICIAL INQUIRY COMMISSION