

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

May 15, 1998

The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge may retain a campaign contribution from a) a person who is a party in subsequently commenced litigation, and b) a person who is a party in a proceeding currently pending before the judge. You state that you have received contributions of \$100 and \$250 from individuals who either later became involved in litigation or whose partner later became involved in litigation, and a contribution of fifty dollars from a person who has a case pending before you. You also ask whether, in the event that these contributions may be retained, any disclosure is required beyond disclosure with the Secretary of State.

It is the opinion of the Commission that a judge who is a judicial candidate may retain campaign contributions that were made by persons who are parties in subsequently filed litigation. It is also the opinion of the Commission that a judge who is a judicial candidate may accept campaign contributions from parties to cases that are currently pending before the judge. As the Commission has had occasion to recognize in the past, the Canons of Judicial Ethics must be considered in light of the reality that judges in Alabama are subject to nomination and election through political campaigns and, thus, must accept campaign contributions in order to finance their campaigns for judicial office. See Advisory Opinions 82-159, 84-213, 84-227, and 96-607.

Canon 7B(4)(c) mandates that all candidates file reports with the Secretary of State as required by the Fair Campaign Practices Act, ALA. CODE §17-22A-1, *et seq.*, (1975). In addition, ALA. CODE §12-24-2 (1975) requires the filing of a statement with the Secretary of State disclosing the names and addresses of campaign contributors and the amount of each contribution. It is the opinion of the Commission that no additional disclosure of the particular campaign contributions involved in the present case is required. *But see*, ALA. CODE §§12-24-1 and -2 (1975).

Yours truly,

JUDICIAL INQUIRY COMMISSION