



Judicial Ethics Advisory Committee

Tower Building - Suite 1060
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Little Rock, AR 72201
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Edwin Alderson

Bruce T. Bullion

Howard Brill

February 16, 1994

The Honorable John A. Crain
Municipal Judge
Mountain Home Municipal Court
720 Hickory
Mountain Home, AR 72653

RE: Advisory Opinion 94-02

Dear Judge Crain:

In your request for an advisory opinion dated January 21, 1994 you stated that a member of your local bar has indicated that he is considering running against you in the next election for Municipal Judge. You inquired as to whether you should disqualify yourself in all cases wherein this person acts as an attorney, should he in fact announce his candidacy. You stated that you felt you should recuse "so as not to even appear to be favorable or disfavorable to this attorney." We agree.

Canon 3 E (1) of the new Arkansas Code of Judicial Conduct provides, "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned...." Judicial ethics advisory opinions on this subject vary, however we find the weight of the opinions and the preferable view to be that when an attorney is opposing a presiding judge for reelection, the judge should disqualify himself or herself in all cases in which the attorney appears before that judge. This is better for the judge, the opponent and the judicial system.

We thank you for your request and we trust this has been responsive to your needs. Please feel free to inquire further should the need arise.

Very truly yours,

A handwritten signature in cursive script that reads "Edwin Alderson".

Edwin Alderson
for the Committee

Bruce T. Bullion and Howard Brill concur.