

## **Alabama Rules of Professional Conduct**

### **Maintaining the Integrity of the Profession**

#### **Rule 8.2.**

##### **Judicial and Legal Officials.**

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Alabama Canons of Judicial Ethics, and failure to so comply with the Alabama Canons of Judicial Ethics shall constitute a violation of this disciplinary rule.

#### **Comment**

Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices, such as attorney general, prosecuting attorney and public defender. Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

When a lawyer seeks judicial office, the lawyer should be bound by applicable limitations on political activity.

A lawyer campaigning for judicial office shall comply with Canon 7 of the Alabama Canons of Judicial Ethics, which applies not only to judges but also to candidates for election to judicial office.

To maintain the fair and independent administration of justice, lawyers are encouraged to continue traditional efforts to defend judges and courts unjustly criticized.

#### **Comparison with Former Alabama Code of Professional Responsibility**

With regard to paragraph (a), DR 8-102(A) provided that a lawyer “shall not knowingly make false statements of fact concerning the qualifications of a candidate for election or appointment to a judicial office.” DR 8-102(B) provided that a lawyer “shall not knowingly make false accusations against a judge or other adjudicatory officer.”

Paragraph (b) has no counterpart in the former Alabama Code of Professional Responsibility.