

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

February 25, 1980

The Judicial Inquiry Commission has received and considered your request for an opinion concerning whether or not a municipal court judge should recuse himself from hearing a misdemeanor case under certain circumstances. The circumstances you presented are that the municipal judge serves in a part-time capacity; that the municipal court judge engages in the practice of law; that the municipal court judge is associated with a member of a certain law firm in two presently pending civil cases; that these civil cases are now presently pending before the municipal court; and that another member of the law firm represents an unrelated defendant in a misdemeanor case before the municipal court. It is further noted that there are three active part-time municipal court judges serving the municipality.

It is the opinion of the Commission, after considering the provisions of Canon 3C of the Alabama Canons of Judicial Ethics, that the judge in question would not be disqualified in the misdemeanor proceeding in that the circumstances presented are not such that the impartiality of the judge might reasonably be questioned.