

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

April 30, 1982

The Judicial Inquiry Commission has received and considered your request of an opinion concerning whether or not a judge should recuse himself in a certain matter under certain circumstances.

The circumstances raised are as follows: A complaint for declaratory and injunctive relief has been filed against the county commission and election officials in the county where the circuit judge presides. The complaint challenges certain procedures presently set to be followed in the 1982 elections. It appears from the complaint that the use of these procedures pursuant to a local law is being challenged. You further state that the terms of all of the judges in your county, both district court and circuit court judges, expire this year. Should these judges seek reelection their names will appear on the ballot during the election which is the subject of this lawsuit.

You ask whether, under these specific circumstances, the judges in the circuit are required to recuse themselves from presiding in this matter.

We do not feel that disqualification is required, but if you wish to recuse yourself from the case, the canon is available.

Very truly yours,

JUDICIAL INQUIRY COMMISSION