

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

January 30, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from sitting in a proceeding in which one of the parties to the proceeding is a member of a local private school board to which the judge has recently been appointed. At the time the judge discovered that he served on the board with the party, the case had been taken under submission.

Disqualification is by Canon 3C of the Alabama Canons of Judicial Ethics. It is the opinion of the Commission that Canon 3C does not require the judge's disqualification under the facts as stated. However, the judge should inform all of the parties of the fact of his service with one of the parties. If any of the parties object to the judge's hearing the matter, the judge should consider the objections and then decide whether, under all of the circumstances, his impartiality might reasonably be questioned.

Yours very truly,

JUDICIAL INQUIRY COMMISSION