

Judicial Inquiry Commission

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April 2, 1984

The Judicial Inquiry Commission has received your letter soliciting any comments or suggestions the Commission might have concerning whether you are disqualified to sit in a case the factual circumstances of which you describe at some length.

You state in your letter that because of all the circumstances, "I question whether or not the appearance of impropriety would prevent me from handling the case." The Commission infers from that statement and from the tenor of your letter that you believe it is certainly possible that a reasonable person might question your impartiality to preside over the case.

Canon 2 does require a judge to avoid not only impropriety but even the appearance of impropriety. In addition, Canon 3C(1) requires a judge to disqualify himself from any case in which his impartiality might be questioned. The Commission believes that you are in the best position to make that determination in this particular case and infers from your letter that you have serious reservations about deciding the case. It is the opinion of the Commission that a judge should disqualify himself from any case in which he has serious reservations about his impartiality.

Very truly yours,

JUDICIAL INQUIRY COMMISSION