

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

August 28, 1985

The Judicial Inquiry Commission has considered your request for an opinion concerning the following matters:

1. Should a judge who has no currently outstanding loans with the plaintiff bank, but who has from time to time in the past borrowed money from said bank and has in fact obtained said prior loans from the loan officer or officers who are expected to testify on behalf of plaintiff bank in the matter pending above recuse himself?
2. Would the fact that the judge in this matter maintains (currently) checking and savings accounts in plaintiff bank give rise to a recusal by the judge?

It is the opinion of the Commission that your questions have been substantially answered by Advisory Opinion No. 76-5 previously issued by the Commission. A copy of that opinion is enclosed for your convenience. It appears that in this instance recusal may be appropriate in both of the situations which you describe.

Sincerely,

JUDICIAL INQUIRY COMMISSION