

Judicial Inquiry Commission

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April 3, 1990

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge is disqualified from sitting in a proceeding where the County Personnel Board and its members in their official capacity are parties. The judge, by virtue of his office, is a member of the Personnel Board Supervisory Committee which is the appointing authority for the County Personnel Board.

It is the opinion of the Commission that the judge is disqualified from sitting in any proceeding involving the members of the Personnel Board in their official capacity. This opinion is based upon the application of Canon 3C of the Alabama Canons of Judicial Ethics. Canon 3C provides in pertinent part as follows:

C. Disqualification

- (1) A judge should disqualify himself in a proceeding in which ... his impartiality might reasonably be questioned ...

In the present situation, the judge serves as the presiding officer over the appointing authority of one of the parties. The judge's position as a member of the appointing authority and as its presiding officer presents circumstances in which the litigants and others might reasonably question the judge's impartiality.

Sincerely,

JUDICIAL INQUIRY COMMISSION