

Judicial Inquiry Commission

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April 30, 1991

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 in which the county or the county commission in his circuit is a party and the county commission has granted a discretionary salary supplement to its local judges in an amount authorized by the Alabama legislature. You further ask whether such disqualification would extend to cases involving the state or county boards, other than the county commission.

It is the opinion of the Commission that the mere fact that a local salary supplement either is pending before the county commission or has been granted by the county commission does not cause a judge's disqualification in proceedings in which the county commission is a party. However, we note that additional circumstances could arise which would cause disqualification to occur. This opinion overrules our prior opinions 90-406, 89-380 and 89-376.

Sincerely,

JUDICIAL INQUIRY COMMISSION