

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

November 10, 1992

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you are disqualified from presiding over a wrongful death case under the following circumstances.

The city, a city employee, and several city police officers are named as defendants in a wrongful death action. You and another individual own real property located outside the city limits. The co-owners of the property were a city councilman and his spouse, who is a city police officer. The councilman died recently and his spouse is the sole co-owner. Neither the councilman nor his spouse are named as defendants in the wrongful death action.

It is the opinion of this Commission that you are not disqualified to preside over the wrongful death case under these circumstances.

The mere fact that you and a police officer jointly own property is not such a circumstance as would make it reasonable for members of the public, or for a party or counsel, to question your impartiality. In re Sheffield, 465 So.2d 350 (Ala. 1984). See Canon 3C(l), Alabama Canons of Judicial Ethics. Furthermore, there is no indication that you have any "interest that could be substantially affected by the outcome of the proceeding." Canon 3C(l)(c).

This opinion has been approved by the members of the Commission. Please feel free to contact me if you have any questions regarding this or any other matter.

Respectfully,