

Judicial Inquiry Commission

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August 11, 1995

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your first question is whether you should disqualify yourself under the following facts:

You entered summary judgment in favor of the defendant, United Airlines, on all grounds in the case of Iyegha v. United Airlines, Inc., CV-92-1402. Subsequently, the Supreme Court reversed part of the summary judgment and remanded the case to your court. The plaintiff, David A. Iyegha, then filed a letter in open court asserting various allegations against you based on your actions in this case. We note that the plaintiff apparently has sent copies of this letter to various national and state officials.

Your question is governed by Canon 3 (C) , Alabama Canons of Judicial Ethics, which states that a judge should disqualify himself in a proceeding where his "impartiality might reasonably be questioned." It is the opinion of this Commission that you are not disqualified simply because you made rulings adverse to the plaintiff during the course of these proceedings. Adverse rulings alone are not by themselves sufficient to establish bias and prejudice. Hartman v. Board of Trustees, 436 So.2d 837 (Ala. 1983).

Your second question is whether it is appropriate for you to respond to the allegations made in this letter. We recommend that you not respond to the allegations as "a judge should at all times maintain the decorum and temperance befitting his office and should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute." Canon 2(B).