

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

August 9, 1996

The Commission has considered your request for an advisory opinion whether a municipal judge is disqualified from sitting in bond forfeiture cases in which the bondsman is either a member of the city council or a candidate for the city council that appoints him. A local bondsman has entered the race for one of the city council positions.

The Commission declines to address at this time the question whether disqualification would be required where a local bondsman is a member of the city council because this question is currently hypothetical. The Commission will address this question upon request when it arises.

None of the specific bases for disqualification in Canon 3C(1) would require the disqualification of a municipal judge in bond forfeiture cases in which the bondsman was a candidate for city council. It is the opinion of this Commission that the mere fact that the bondsman is a candidate for the city council would not require disqualification because this alone would not cause the judge's impartiality to be reasonably questioned.

Sincerely,

JUDICIAL INQUIRY COMMISSION