

## Judicial Inquiry Commission

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October 3, 1997

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 cases in which a party is represented by an attorney who has told the judge he plans to run against him in the next election for the Office. This election will take place within the next year.

It is the opinion of the Commission that the mere suggestion that an attorney will be an opposing candidate for the judge's seat in the next round of judicial elections does not cause the judge's disqualification in matters in which the attorney appears as an attorney of record for one of the parties.

This opinion is based on the provisions of Canon 3C of the Alabama Canons of Judicial Ethics. That canon provides in pertinent part "A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned . . ." It is the opinion of the Commission that notice from an attorney that the attorney will be a candidate against the judge for the judge's seat during the upcoming campaign does not create an instance in which the judge's impartiality might reasonably be questioned. However, the judge should be ever vigilant and, if facts and circumstances arise which do reflect adversely on the judge's impartiality or an actual bias appears, then disqualification is required.

Yours very truly,

JUDICIAL INQUIRY COMMISSION