

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge is disqualified, based on the judge's impartiality being reasonably questionable, in a case in which a *pro se* plaintiff has sued various individuals, including the sheriff and four members of the local Bar. The plaintiff also makes complaint against the probate judge, the other circuit judge in the judicial circuit, and unnamed "officers of the court." The complaint arises from cases involving some family land that have been previously tried before the other circuit judge; it is apparent from the complaint that the plaintiff is unhappy with the outcome of these prior cases. The judge has no personal bias or prejudice toward or against any party to the proceeding, and is not aware of any other facts which might cause his impartiality to be questioned.

The mere fact that a party to a proceeding is an attorney who regularly practices before the judge does not require the judge's disqualification. Advisory Opinion 82-136. Likewise, neither the fact that a party is employed in some capacity within the court or law enforcement system, or that the legality of actions taken by such persons in their official capacity is questioned in the action, is sufficient to cause disqualification. Advisory Opinions 94-519 and 98-684. The mere fact that another judge is a party in the proceeding cannot create a reasonable question as to the impartiality of the judge to whom the case is assigned. See Advisory Opinion 92-442.

Special circumstances may exist which cause disqualification. Such circumstances include, but are not limited to, social, financial, "non-judicial," or extraordinary relationship between the party and the judge, and the nature of the particular case or its potential impact on future working relations among court personnel. See Advisory Opinions 81-99, 83-183, 94-519, 95-587, and 97-669.

No such special circumstances have been related in the instant case. Accordingly, it is the opinion of the Commission that the judge is not disqualified to hear the case at issue.

Yours truly,

JUDICIAL INQUIRY COMMISSION