

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 2, 1984

The Judicial Inquiry Commission has reviewed your request for an opinion concerning whether a judge is disqualified from hearing a lawsuit concerning the annexation of certain lands in connection with the construction of a racetrack.

You state that the annexation would result in your residence being brought into the city's police jurisdiction; that incorporated into the complaint is a supporting petition signed by numerous citizens of the affected community including ten who are related to you in such a degree that you would clearly be disqualified from hearing the case if they were named parties; and that the larger racetrack issue is a political one on which you have taken a public stance in the past.

It is the opinion of the Commission that because the lawsuit will determine whether your residence is within the police jurisdiction of the city, you have an "interest that could be substantially affected by the outcome of the proceeding" within the meaning of Canon 3C(l)(c). It is also the opinion of the Commission that under all the facts and circumstances your "impartiality might reasonably be questioned" within the meaning of Canon 3C(l). Therefore, you are disqualified from hearing the lawsuit in question.

Very truly yours,

JUDICIAL INQUIRY COMMISSION