

Judicial Inquiry Commission

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March 25, 1994

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you should recuse yourself from presiding over those cases in which appear the attorneys who represented you before the Judicial Inquiry Commission.

In this case, the complaint was filed before the Commission and the Commission issued a finding of no ethical violation in approximately six weeks. Your actions in the matter were not disputed, and there was no need for any independent investigation by the Commission.

The rule is that under Canon 3C(l), Alabama Canons of Judicial Ethics, a judge is disqualified from sitting in any proceeding in which an attorney for one of the parties represents the judge in an unrelated matter pending before the Judicial Inquiry Commission. Advisory Opinion 92-443. However, once that disqualification is removed, your recusal is not required unless there are extraordinary circumstances present. Advisory Opinion 92-446.

Here, the disqualification ceased to exist once the Commission returned its finding of no ethical violation and your attorneys ceased to represent you before the Commission. There are no extraordinary circumstances present which would require your continued disqualification under Canon 3C. The facts in this case are not such as would cause a reasonable person to question your impartiality.

Although a judge has an ethical obligation to disclose to counsel appearing before him any ground for disqualification of which he is aware, Advisory Opinion 93-483, here there is no longer any basis for disqualification. There is no ethical obligation to disclose a ground of past disqualification.

This opinion has been considered by the entire Commission and is the opinion of the Commission.