

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

June 2, 1995

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you should disqualify yourself under the following facts:

A Motion to Disqualify has been filed in your court in the pending case styled Sonny Hornsby vs. Jeff Sessions, CV-95-262. There have been no allegations of any personal bias on your part. The ground for disqualification as set out in counsels' brief and in testimony in court during a hearing on the matter is the appearance of impropriety standard enunciated in Canon 3C(I). The alleged appearance of impropriety stems from your involvement in the related case of Odom vs. Bennett, CV-94-2434.

Your question is governed by Canon 3C(I), Alabama Canons of Judicial Ethics:

- (1) A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where:
  - (a) He has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; ...

After reviewing the facts contained in your request, it is the opinion of this Commission that your disqualification is not required under these circumstances.