

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

December 8, 1995

The Judicial Inquiry Commission has considered the request from the judges of the Court of Civil Appeals as to whether they are disqualified or should recuse themselves from participating in the case of Mississippi Valley Title Insurance Company's suit against Chief Justice Perry O. Hooper, Sr., for breach of contract.

Canon 3C(l) provides that “[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 judges of the Court of Civil Appeals should recuse themselves under the totality of the circumstances relating to the above-referenced case so as to avoid the appearance of impropriety.

The Commission does not suggest that any judge of the Court of Civil Appeals is actually biased, nor should this opinion be construed to require recusal in every case in which the Chief Justice of the Alabama Supreme Court may be somehow involved. See Advisory Opinion 92-442. However, it is the opinion of the Commission that recusal is appropriate under all of the circumstances relating to this particular case under the reasonable person/appearance of impropriety standard in Canon 3C(l).

Sincerely,

JUDICIAL INQUIRY COMMISSION