

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

February 23, 1995

The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a judge who, ex mero motu, recuses himself from a case is required to state the reason for recusal either in the record or in a written explanation to the presiding circuit judge upon request. However, this Commission may only provide advisory opinions as to whether certain action by a judge may constitute a violation of the Canons of Judicial Ethics and your inquiry does not appear to be a matter addressed by the Canons of Judicial Ethics. Thus, the Commission cannot provide the opinion you seek.

The Commission does note, however, that a pattern of unjustified recusals may be ethical violation. Further, under Canons 3B(1) and (3), a judge is charged with diligently discharging his administrative responsibilities and with taking or initiating appropriate disciplinary measures against a judge for unprofessional conduct of which the judge has personal knowledge. It is the opinion of the Commission that the presiding circuit judge should inquire if he observes a possible pattern of unjustified recusals and, if he receives an unsatisfactory response, he has a duty as presiding judge to report the matter to this Commission. The Commission will investigate any such report.

Sincerely,

JUDICIAL INQUIRY COMMISSION