

Judicial Inquiry Commission

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November 13, 1998

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether it would be proper for a judge to have a case reassigned back to him when the case was recently reassigned to a judge from outside the circuit due to the recusal of the judges within the circuit. The judges had recused themselves because a party defendant in the case was represented by a law firm that is representing those judges in a statewide class action. However, the defendant at issue is no longer a party to the case. The judge had been handling this case for three years.

It is the opinion of the Commission that, absent any unusual additional circumstances causing a continued question as to your impartiality, you are not disqualified to hear the action in question. The Commission has previously held on a number of occasions that, unless there are extraordinary circumstances that would require continued disqualification, a judge is not disqualified to hear an action after a circumstance causing the judge to be disqualified ceases to exist. *E.g.*, Advisory Opinions 92-454, 96-605, 96-606, 96-616, and 96-617. Advisory Opinion 98-692 involved facts similar to those you present: dismissal of a party who was represented by an attorney whose involvement in the case would have caused disqualification of the judge.

You have not related any extraordinary circumstances that would require your continued disqualification. Thus, the Commission concludes that, if the case is properly reassigned to you, it would not constitute a violation of the Canons of Judicial Ethics for you to hear it.

Yours truly,

JUDICIAL INQUIRY COMMISSION