

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

June 26, 1979

The Judicial Inquiry Commission has considered your request for an opinion concerning the propriety of a close relative (daughter) of a judge accepting summer employment as a clerk with the Tax Board of Equalization where there are appeals from rulings of the Board presently pending on the judge's summer trial docket.

It is the opinion of this Commission that there exists no impropriety under the Alabama Canons of Judicial Ethics under the circumstances as you have described them. However, it is further the opinion of this Commission that when the appealed cases come before the court, the judge should disclose in the record of the proceeding the fact of his daughter's employment, and should then disqualify himself unless the parties and lawyers "agree in writing that the judge's relationship is immaterial" pursuant to Canon 3D.