

Judicial Inquiry Commission

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February 13, 1980

The Judicial Inquiry Commission has considered your request for an opinion concerning when you would be disqualified in proceedings in which your first cousin's husband and/or son, who practice law together, represent a party to the proceedings.

The Commission has recently stated its opinion that under Canon 3C of the Alabama Canons of Judicial Ethics, a judge is disqualified from hearing any proceeding in which he is related by consanguinity or affinity within the fourth degree to an attorney representing a party to the proceeding. Your first cousin's spouse is related to you within the fourth degree by affinity. Therefore, you would be disqualified from hearing any proceeding in which your first cousin's spouse represents a party.

It is further the opinion of the Commission that if a judge is related by the fourth degree of affinity or consanguinity to an attorney in the law firm, a judge should disqualify himself in any proceeding in which a member or attorney employed by the law firm represents a party to a proceeding.

If these disqualifying factors occur, disqualification may be remitted through following the procedure set out in Canon 3D.