

Judicial Inquiry Commission

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October 10, 1980

The Judicial Inquiry Commission has received your request for an opinion concerning the following three questions under the Alabama Canons of Judicial Ethics:

- (1) Is a judge disqualified from hearing a case in which he or his spouse is related to the defense attorney within the fourth degree?
- (2) Is a judge disqualified from hearing a case in which he or his spouse is related to the prosecuting attorney within the fourth degree?
- (3) Is a judge disqualified from appointing an attorney in an indigent criminal case where the attorney is related to the judge or his spouse within the fourth degree?

It is the opinion of the Commission that all three of your questions must be answered in the affirmative. This Commission has ruled on several previous occasions that a judge is disqualified from hearing any proceeding in which he or his spouse is related within the fourth degree to an attorney for either party, since under the Canons of Judicial Ethics, Canon 3C, the judge's impartiality might reasonably be questioned.

Sincerely,

JUDICIAL INQUIRY COMMISSION