

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge would be disqualified from sitting in proceedings in which his former law firm represents a party to the proceeding where the judge has entered into certain financial dealings with the firm. The financial dealings are twofold. The first involves a Buy-Sell Agreement in which the judge would receive set monthly payments over a two-year period. The second is the sale to the firm or its members of the judge's interest in a tract of land owned by the judge and his former law partners. This sale would be made to the law partners by the judge under a vendor's lien deed securing a promissory note to be paid over a ten-year period.

It is the opinion of the Commission that both financial dealings in question would require the judge to disqualify himself under Canon 3C(1) in that, due to the financial transactions by which an attorney or a firm is substantially financially indebted to the judge, the judge's impartiality might reasonably be questioned in proceedings in which members of the firm represent a party.