

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

March 2, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge must disqualify himself in proceedings involving a retail grocery chain which employs the judge's daughter.

It is the opinion of the Commission that the mere fact that a judge's daughter is employed by a retail grocery chain does not require the judge to disqualify himself in a proceeding in which the retail grocery chain is involved. However, other circumstances could be such that the judge's disqualification is required.

As you are aware, disqualification is governed by Canon 3C of the Canons of Judicial Ethics. Of course, disqualification is required in all of the specific instances set out in that Canon. For instance, the Commission has previously ruled that disqualification is required where the outcome of pending litigation will affect the salary or income of a child of the presiding judge. There may also be other instances where the employment of the judge's child by a party to the litigation will require recusal when considered with other circumstances. Such circumstances are too numerous to be listed here. However, should you desire to present other facts and circumstances to the Commission, the Commission will be happy to consider them.

Very truly yours,