

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 8, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is required to recuse himself under the following circumstances.

A judge had a case under submission for a number of months when the judge found it necessary to hire an attorney to represent him in an unrelated matter. The case remained under submission until the unrelated matter was solved. However, the attorney, who represented the judge in the judge's personal matter, also represents a party to the proceeding under submission. All parties to the case have been advised of the attorney's now past representation of the judge and all now consent to the judge's entering a final order.

It is the opinion of the Commission that the Canons of Judicial Ethics do not require that the judge recuse himself from entering a final order under the circumstances presented.

Very truly yours,

JUDICIAL INQUIRY COMMISSION