

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

December 21, 1982

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from hearing proceedings where the attorney for one of the parties serves as the judge's attorney in an unrelated matter. The attorney in question would be performing legal work in connection with the development and management of commercial property owned by the judge.

The Commission has previously stated, in Advisory Opinion 80-74, that a judge should disqualify himself from hearing any proceeding in which the attorney for one of the parties performs legal work for the judge in an unrelated matter. This disqualification is necessary under Canons of Judicial Ethics, Canon 3C(1), which requires disqualification whenever a judge's impartiality might reasonably be questioned. It is the opinion of the Commission that, under the facts you present, you should disqualify yourself from hearing proceedings involving parties represented by your attorney.

Very truly yours,

JUDICIAL INQUIRY COMMISSION