

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

March 2, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge violates the Canons of Judicial Ethics by continuing a business arrangement in which the judge and an attorney each own a one-half interest in the building in which the attorney maintains his private law practice. The ownership is a joint ownership and the attorney and the judge are jointly liable on the mortgage. Prior to ascending the bench, the judge maintained a separate law practice occupying one-half of the same building. The judge and the attorney each pay one-half the mortgage indebtedness, insurance and taxes on the property. The attorney does not pay any rent or other money to the judge for the continued maintenance of the attorney's office in one-half of the jointly-owned building.

It is the opinion of the Commission that the Canons of Judicial Ethics do not prohibit the business arrangement as described. A judge's financial interests are governed by Canon 5C of the Alabama Canons of Judicial Ethics. Further, Canon 3C concerning the judge's disqualification from sitting in proceedings in which the attorney is involved is applicable. However, in the business arrangement above described, it is the opinion of the Commission that the judge's disqualification is not required and the canons are not violated.

Similar questions have been addressed in Advisory Opinions 81-115; 81-116; and 81-164.

Very truly yours,

JUDICIAL INQUIRY COMMISSION