

Judicial Inquiry Commission

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August 1, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from sitting in a proceeding in which a party is represented by a member of the law firm in which the spouse of the judge's bailiff-law clerk is employed as an associate.

Judicial disqualification is governed by Canon 3C(l) of the Alabama Canons of Judicial Ethics. That Canon provides:

“A judge should disqualify himself in a proceeding in which his disqualification is required by law or in which his impartiality it might reasonably be questioned ...”

Law clerks serve in a special relationship to a trial court judge. Indeed, the law clerk is actually an extension of the judge, working closely with the judge in almost all pending matters. Therefore, it is the opinion of the Commission that the same standards for disqualification should apply in situations concerning the law clerk as would apply to the judge. A judge is, therefore, disqualified under Canon 3C(l) from sitting in any proceeding in which the firm of the bailiff-law clerk's spouse represents a party. This disqualification would not apply if the law clerk took no part in the proceeding as a law clerk and did not otherwise discuss the matter with the judge.

Yours very truly,

JUDICIAL INQUIRY COMMISSION