

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

April 25, 1986

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a judge is disqualified from hearing cases in which one of the parties is represented by either the judge's relative or the relative's law firm. You specifically ask about the following relationships:

1. The judge's uncle or his law firm.
2. The judge's second cousin or his law firm.
3. The judge's third cousin or his law firm.

The Commission has ruled on numerous previous occasions that a judge is disqualified from sitting in any proceeding in which a party is represented by an attorney related to the judge within the fourth degree by blood or marriage or by that attorney's law firm. In this instance the judge is disqualified from any proceeding involving his uncle or his uncle's law firm because the uncle's relationship to the judge falls within the prohibited degree. See e.g., Advisory Opinions 80-88 and 89-91. The same is not true of the judge's second and third cousins since neither falls within the fourth degree of relationship.

We also note for your convenience, that under previous opinions of the Commission the judge's disqualification in cases involving his uncle or the uncle's law firm may be remitted under the provisions of Canon 3D.

Sincerely,

JUDICIAL INQUIRY COMMISSION