

86-268
[Overruled or Modified by 88-338]

Judicial Inquiry Commission

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July 7, 1986

The Judicial Inquiry Commission has considered your request that Advisory Opinion 86-263 be modified to hold that a nephew-uncle relationship is insufficient to disqualify the nephew-judge from sitting in a proceeding in which his uncle-attorney's law firm represents a party to the proceeding.

It is the opinion of the Commission that the previous Advisory Opinion should not be modified. The judge's uncle's interest as a partner in a law firm is sufficient to form the basis of disqualification pursuant to Canon 3C. A remittal of disqualification pursuant to Canon 3D is necessary to protect the appearance of impartiality and the independence of the judiciary and the judicial system.

Sincerely,

JUDICIAL INQUIRY COMMISSION