

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

July 29, 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 sitting in proceedings where the judge was:

- (1) Court-appointed Guardian Ad Litem for the child in dependency, delinquency or divorce cases, and
- (2) Attorney or Guardian Ad Litem for either of the parents in either dependency or divorce cases.

Judicial disqualification is governed primarily by Canon 3C of the Alabama Canons of Judicial Ethics. That Canon provides in pertinent part:

“(1) A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned including but not limited to instances where:

\* \* \* \*

- (b) He served as a lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer in the matter, or the judge or such lawyer has been a material witness concerning it.”

Under these provisions, a judge is clearly disqualified from sitting in a proceeding in which he has previously served as an attorney or Guardian Ad Litem.

Sincerely,

JUDICIAL INQUIRY COMMISSION