

Judicial Inquiry Commission

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July 29, 1986

The Judicial Inquiry Commission has considered your request for an opinion concerning who must sign a Remittal of Disqualification under the provisions of Canon 3D of the Alabama Canons of Judicial Ethics where a judge is disqualified from sitting in a proceeding due to the judge's relationship by blood or marriage to a party or an attorney appearing in a proceeding.

Canon 3D provides in pertinent part:

... The agreement [that the judge is no longer disqualified and may participate in the proceeding] signed by all parties and lawyers shall be incorporated in the record of the proceeding.

Based on these provisions, it is the opinion of the Commission that the remittal agreement must be signed by all parties and attorneys, including the related attorney.

Sincerely,

JUDICIAL INQUIRY COMMISSION