

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

November 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 sitting in a proceeding in which one of the parties is represented by the son of the judge's first cousin. The relative in question, according to the Nolan Chart of Relationships and Degrees of Kindred, is the judge's first cousin once removed. The judge and his relative stand in the fifth degree of kinship to each other.

It is the opinion of the Commission that the mere existence of a relationship within the fifth degree between a judge and an attorney who represents a party to a proceeding does not disqualify a judge from sitting in that proceeding. Our opinion is based upon the fact that under Canon 3C of the Alabama Canons of Judicial Ethics the judge's disqualification based on a kinship with an attorney occurs only within the first four degrees of kinship.

Sincerely,

JUDICIAL INQUIRY COMMISSION