

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

June 22, 1987

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a circuit judge may preside over a criminal trial in which the State is represented by the district attorney, who employs the judge's son as an assistant district attorney. The judge's son will represent the State in one county of a three-county circuit and will not participate in any way in any cases over which the judge presides.

It is the opinion of the Commission that under the Alabama Canons of Judicial Ethics a judge is not disqualified from sitting in any proceeding in which the district attorney's office, employing the judge's son, represents the State so long as the judge's son does not in any way participate in the proceeding. This opinion is consistent with advisory opinions 80-89, 80-90, 81-101 and 83-171, copies of which are attached for your convenience.

Sincerely,

JUDICIAL INQUIRY COMMISSION