

Judicial Inquiry Commission

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October 28, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under Canon 3C(l)(d) a judge is disqualified from sitting in any proceeding in which a certain city is a party either as the prosecutor in a criminal case or a party to a civil case where the judge's brother-in-law is a member of the city council, the governing body of the city.

It is the opinion of the Commission that a judge is disqualified from sitting in any proceeding in which the city, which the judge's brother-in-law serves as councilman, is a party. Such disqualification is required by the specific provisions of Canon 3C(l)(d)(i) as follows:

- (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:

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- (d) He or his spouse, or a person within the fourth degree of relationship to either of them, or the spouse of such a person:
- (i) Is named a party to the proceeding, or an officer, director, or trustee of a party.

In this instance, the judge's brother-in-law is an officer of the city which he serves as councilman. The judge is therefore disqualified from sitting in any proceeding in which the city is a party. It matters not whether the proceeding is civil or criminal in nature .

Very truly yours,

JUDICIAL INQUIRY COMMISSION