

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

June 27, 1989

The Judicial Inquiry Commission has considered your request for an opinion concerning whether you would be disqualified from hearing proceedings in which your former law firm represents one of the parties. Specifically, you indicated that the defendant in the civil action before you was a client of your former law firm while you were a member of that firm, but that the matter in question -- an automobile accident -- did not occur during the period of your partnership.

It is the opinion of the Commission that you are not disqualified under these circumstances. Under the Alabama Canons of Judicial Ethics, Canon 3C(1)(b) provides that a judge is disqualified in a proceeding where "a lawyer with whom he previously practiced law served during such association as a lawyer in the matter" (emphasis added). Since your former law firm did not represent the client in the matter in question during your association with the firm, disqualification is not mandated.

Sincerely,

JUDICIAL INQUIRY COMMISSION