

Judicial Inquiry Commission

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July 23, 1993

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you are disqualified from presiding over a case in which the plaintiff is represented by an attorney whose husband is a member of the law firm which represents your family's partnership. The plaintiff's attorney is not a member of the same law firm as her husband.

It is the opinion of this Commission that, based on these particular facts, your disqualification is not required.

The provisions of Canon 3C(I), Alabama Canons of Judicial Ethics prohibit a judge from sitting in any proceeding in which an attorney for one of parties represents either the judge or the judge's spouse in an unrelated pending matter. Advisory Opinion 92-443, 88-336. Ordinarily, a judge's disqualification regarding one member of a law firm does not extend to other members of that same firm. Advisory Opinion 92-443.

Disqualification is not automatically required in a case in which one of the parties is represented by the law partner of the spouse of the judge. Advisory Opinion 79-61.

This opinion has been considered by the entire Commission and is the opinion of the Judicial Inquiry Commission.