

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

August 26, 1994

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 cases in which your former law partner represents a party where you continue to hold one-half interest in a building jointly purchased by you and the former partner while you were engaged in the practice of law.

The correct rule was stated in Bryars v. Bryars, 485 So.2d 1187, 1189 (Ala.Civ.App. 1986):

“A judge’s hearing of a matter whereby a party is represented by an attorney, or the law firm of an attorney, who jointly owns land with the trial judge is not a violation per se of Canon 3 C(l). That canon must be read, considered, and applied along with Canon 5 C(l) and (2). However, if other circumstances are added to the simple joint ownership of land by a judge and an attorney, it might appear to a reasonable person that the judge could not be impartial, and a recusal would be required.”

The mere joint ownership of property by a judge and his former law partner does not cause the judge’s disqualification in cases in which the judge’s former law partner represents a party to a proceeding. Advisory Opinions 81-116, 83-172, 83-198.

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