

## Judicial Inquiry Commission

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This is in response to your request for an advisory opinion from the Judicial Inquiry Commission.

Your question is whether you should disqualify yourself under the following circumstances.

Plaintiff Annie Evridge has filed a civil suit against Woodley Manor Nursing Home. Your wife's mother is a resident of The Cedars, an assisted living domiciliary. Living Centers/Vari-Care, Inc. owns, operates, and/or has other proprietary interests in the operation of both Woodley Manor and The Cedars.

You have disclosed your mother-in-law's residency to the parties. The plaintiff has filed a motion to recuse. You state that you "would be able to afford both sides a completely fair, just and impartial trial."

Under the circumstances presented, it is the opinion of this Commission that you are not disqualified simply because the defendant nursing home and the facility in which your mother-in-law resides are either owned and/or operated by the same parent corporation. You would be disqualified if your mother-in-law had "an interest that could be substantially affected by the outcome of the proceeding." Canon 3C(l)(d)(ii), Alabama Canons of Judicial Ethics.

Although the Canons of Judicial Ethics have the force of law, the opinions of the Judicial Inquiry Commission are rendered in connection with the ethical conduct of the judge and "are not binding and do not affect a party's rights or remedies." Ex parte Balogun, 516 So.2d 606, 609 (Ala. 1987).

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