

## Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified under the Canons of Judicial Ethics from presiding over a trial in which the county commission in his circuit is a party where the county commission pays the judge a salary supplement.

The Commission has previously decided that the mere fact that a local salary supplement to the judge has been granted by a county commission does not cause a judge's disqualification in proceedings in which the county commission is a party, but that additional circumstances could arise which would cause disqualification to occur. Advisory Opinion 91-416. In Advisory Opinion 80-97, the Commission similarly decided that the mere receipt of a salary supplement from a county does not disqualify a judge from sitting in cases in which the county is a party. However, disqualification could occur in instances in which the salary supplement is directly related to the matter in litigation or could be substantially affected by the outcome of the litigation. In addition, there are undoubtedly many fact situations which could arise under the applicable Canons 3C(l) and 3C(l)(c) which the Commission would have to consider on a case by case basis.