

Judicial Inquiry Commission

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December 8, 1995

The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a judge is disqualified from sitting in a case where a party is represented by an attorney who is also representing another individual who is suing the judge's spouse in unrelated litigation.

It is the opinion of the Commission that the judge is disqualified from sitting in a case where one of the parties is represented by an attorney who also represents another individual who has brought suit against the judge's spouse. The Commission has previously held that a judge is disqualified from sitting in a case where one of the parties is represented by an attorney who also represents a party opponent to the judge in unrelated litigation. See Advisory Opinions 88-337 and 89-373. In determining disqualification due to relationship with an attorney, the judge and his spouse stand as one. Advisory Opinion 88-336.

Sincerely,

JUDICIAL INQUIRY COMMISSION