

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

May 17, 1996

The Commission has considered your request for an advisory opinion as to whether a judge's disqualification due to his wife's beneficial interest in stock in a company which is a party to an action is removed by sale of the stock by the trust involved. You are correct in stating that the Commission has not issued a previous opinion addressing this issue.

Canon 3C(l)(c) addresses extent financial interests. Immediate disqualification under Canon 3C(l)(c) is not required given the provisions in Canon 3D. It is the opinion of the Commission that when a judge is disqualified under Canon 3C(l)(c) due to a financial interest, disposal of the financial interest does remove the judge's disqualification to proceed under Canon 3C(l)(c). Thus, under the facts presented, you are not disqualified.

Yours truly,

JUDICIAL INQUIRY COMMISSION