

## Judicial Inquiry Commission

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May 23, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion as to whether a judge is disqualified from hearing a case in which one of the parties is represented by a law firm which had previously represented the judge's spouse in an unrelated matter. When it came to the judge's attention in connection with an earlier case that the firm in question was representing the judge's spouse, the firm immediately moved to withdraw in the judge's wife's case, at her request.

The Commission has previously held that a judge is disqualified from sitting in a proceeding in which an attorney for one of the parties represents the judge or the judge's spouse in an unrelated matter, but that when that representation ceases, recusal is not required unless there are extraordinary circumstances present which would require continued disqualification under Canon 3C. Advisory Opinions 92-454 and 94-516. Advisory Opinion 92-454 involved a situation where it came to the judge's attention in the middle of a trial that one of the attorneys was representing his wife in a child support action. That attorney immediately withdrew from the judge's wife's case. The Commission decided that the judge was not disqualified from proceeding with the trial because the attorney immediately resigned from representing the judge's spouse once the basis for disqualification was announced.

There are no extraordinary circumstances apparent in the current situation which would require your continued disqualification under Canon 3C. It is the opinion of the Commission that you are not disqualified because there is no existing basis for disqualification.

Yours truly,

JUDICIAL INQUIRY COMMISSION