

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

August 9, 1996

The Commission has considered your request for an advisory opinion whether a judge is disqualified under the following circumstances:

The husband in a divorce proceeding was until recently a law partner of an attorney who is representing the judge's brother-in-law in a car accident case. It is not known whether the husband/plaintiff still has any financial interest in the judge's brother-in-law's case under the terms of the partnership dissolution.

In Advisory Opinion 93-501, this Commission held that a judge was not disqualified from presiding over a case merely because the defendant was a paralegal in a law firm that represented the judge's family partnership. In another related matter, this Commission has previously held that a judge is not disqualified merely because a party is represented by a law partner of an attorney who represents the judge or the judge's spouse. Advisory Opinions 78-53, 88-337, and 93-494.

It is the opinion of this Commission that a judge is not disqualified from presiding over a civil case merely because a party was previously a law partner of an attorney who represents the judge's brother-in-law in an unrelated matter. It is also the opinion of the Commission that the judge would not be disqualified even if the husband/plaintiff retains a financial interest in the brother-in-law's case under the terms of the partnership dissolution, provided that he himself provided no substantial legal services in connection with the judge's brother-in-law's case.

Sincerely,

JUDICIAL INQUIRY COMMISSION