

Judicial Inquiry Commission

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September 27, 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 a bank was recently added as a party defendant on the ground that the judge previously owned stock in the bank.

It is the opinion of the Commission that the mere fact that a judge previously owned stock in a corporate party to an action does not disqualify the judge from hearing the action. Current ownership of stock in a corporation which is a party to a suit does cause disqualification under Canon 3C(1)(c). See Advisory Opinion 86-249. However, the Commission has previously recognized that once a ground for disqualification ceases, recusal is not required unless there are extraordinary circumstances present which would cause continued disqualification under the general provision of Canon 3C(1) because a reasonable person would question the judge's impartiality. Advisory Opinions 92-454 and 94-516. Mere prior ownership of stock in a party does not cause disqualification of a judge.

Sincerely,

JUDICIAL INQUIRY COMMISSION