

Judicial Inquiry Commission

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November 15, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge is disqualified in a proceeding for modification of custody when the wife had asked the judge to represent her in the original divorce proceeding prior to his elevation to the bench, but he had declined to do so because another member of his law firm represented the husband's employer. The judge has no recollection of this occurrence. This matter was not raised until after the final hearing had been held and a final order entered on the modification petition. The case is now pending on a motion for reconsideration.

It is the opinion of the Commission that no basis for disqualification exists based upon the facts presented.

Very truly yours,

JUDICIAL INQUIRY COMMISSION