

## Judicial Inquiry Commission

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June 27, 1997

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge should hear cases in which a party is represented by an attorney who rents his law office from the judge.

It is the opinion of the Commission that, under the Canons of Judicial Ethics, a judge is disqualified from hearing cases in which a party is represented by an attorney who rents law office space from the judge.

Canon 5C(l) provides, "A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, or exploit his judicial position." In Advisory Opinion 81-115, the Commission concluded that a newly-appointed circuit judge was disqualified from hearing cases in which a party was represented by a law firm that rented office space from the judge. The Commission noted that the business relationship might cause a reasonable person to question the judge's impartiality under Canon 3 C(l), and that such questions would tend to interfere with the judge's performance of his or her judicial duties, thereby linking Canon 3C(l) to Canon 5C(l) in this context. In Advisory Opinion 82-164, the Commission reaffirmed its opinion in 81-115 explaining that its holding "is based upon the fact that the judge receives income as a financial benefit from [the] attorney ..., and that the financial benefit or income may depend on the financial success of the attorney ..." Accordingly, the rental relationship you describe is a basis for disqualification or recusal.