

Judicial Inquiry Commission

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The Commission has considered your remaining questions concerning the disqualification of a judge in circumstances where the judge's son represents a party in a proceeding before the judge or is affiliated with a law firm which represents a party in a proceeding before a judge. As you will recall, the Commission answered your first question by an earlier opinion holding that a judge should disqualify himself in any proceeding in which his attorney-son represents a party to the proceeding. Your remaining questions relate to specific circumstances such as the nature of the proceeding before the court and the nature of the attorney-son's affiliation with a law firm, a member or associate of which represents a party to the proceeding.

It is the opinion of the Commission that a judge should disqualify himself in any proceeding in which his son or a member of his son's law firm represents a party to the proceeding. It matters not whether the son is a partner in the firm or merely a salaried employee of the firm. The standard for disqualification remains the same.

The disqualification may be remitted through the procedure set out in Canon 3D.