

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered your request for an opinion concerning disqualification of a judge in proceedings where an attorney for one of the parties serves as the attorney for the judge in an unrelated matter. The attorney in question is presently representing the judge in an action filed in Federal District Court against the judge seeking monetary damages.

It is the opinion of the Commission that a judge should disqualify himself in any proceeding where an attorney representing one of the parties to the proceeding is presently representing the judge in another court in an unrelated matter. This disqualification is required by Canon 3C(l) which provides in pertinent part that:

“A judge should disqualify himself in a proceeding in which...his impartiality might reasonably be questioned ...”

However, it is further the opinion of this Commission that upon the completion of the unrelated litigation involving the judge, Canon 3C would no longer require such disqualification.