

Judicial Inquiry Commission

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October 5, 1981

The Judicial Inquiry Commission has received and considered your request for an opinion concerning whether a Judge is disqualified from sitting in a certain proceeding. The proceeding in question is a civil action in which the plaintiff's sister is the wife of a third person who jointly owns an airplane with the Judge. The Judge informed both parties to the lawsuit of his business relationship with the plaintiff's sister's husband. Upon such notification, the defendants replied by letter stating no objection to the Judge's sitting in the proceeding. However, the plaintiff's attorney replied by letter that although he personally had no objection to the Judge's sitting, he felt that it would probably be better that the case be heard by another Judge.

The Commission does not feel that the above-stated facts are sufficient to require the Judge's disqualification under Canon 3C of the Alabama Canons of Judicial Ethics. In pertinent part, that Canon provides:

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

From the instant fact situation, the mere fact of the Judge's business relationship with the plaintiff's sister's husband is insufficient per se to require disqualification. However, the facts presented would permit the Judge to disqualify himself if he should feel that disqualification is necessary.

Very truly yours,

JUDICIAL INQUIRY COMMISSION