

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
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MONTGOMERY, ALABAMA 36104

February 1, 1983

The Judicial Inquiry Commission has considered your request for an opinion in which you ask whether the appointment of a judge's son-in-law as an assistant district attorney disqualifies the judge from sitting in all criminal matters in which the appointing district attorney's office is involved.

It is the opinion of the Commission that where a judge's son-in-law serves as an assistant district attorney, the judge is disqualified from hearing only those criminal cases in which his son-in-law is directly involved or participates as an assistant district attorney. The judge is not disqualified from hearing other criminal cases in which his son-in-law is not involved. This opinion is consistent with opinions 80-90 and 80-101.

Very truly yours,

JUDICIAL INQUIRY COMMISSION