

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

June 22, 1983

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from sitting in any of several proceedings involving the county commission on which a person, who is related to the judge or the judge's spouse, is a member. These proceedings are:

1. The county commissioners are named individually as parties,
2. The county commission is a party, and
3. The county is a party.

It is the opinion that a judge, who is related or whose spouse is related to a county commissioner "within the fourth degree", is required to disqualify himself in all three of the given situations.

This disqualification is required under Canon 3C(1)(d)(i) of the Alabama Canons of Judicial Ethics. That Canon provides that:

"(1) A judge should disqualify himself in a proceeding in which ...

- (d) He or his spouse, or a person within the fourth degree of relationship to either of them, or the spouse if such person:
  - (i) is named a party to the proceeding, or an officer, director or trustee of a party."

In this instance, the judge is related to a party if the commissioner is named individually or as a member of the county commission. He is related to an officer of a party if the commission or the county is named as a party. This disqualification may be remitted under the specific provisions of Canon 3D.

Yours very truly,

JUDICIAL INQUIRY COMMISSION