

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

November 2, 1983

The Commission has received your letter requesting an advisory opinion on whether you are disqualified from presiding in a divorce action in view of the circumstances you describe.

In the Commission's opinion, a judge, who while an attorney several years earlier, advised a husband concerning the return of his estranged wife and children to Alabama is disqualified from presiding over a subsequent divorce and child custody action involving the couple and their children. The disqualification is required under Canon 3C(l)(b), because he has "served as a lawyer in the matter in controversy." The disqualification cannot be remitted under Canon 3D.

Yours very truly,

JUDICIAL INQUIRY COMMISSION