

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 2, 1984

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether a judge is required to disqualify himself from cases involving a local bank to which he is personally indebted and in which his two minor daughters own stock. The Commission assumes that one or both of the minor daughters reside in the judge's household.

It is the opinion of the Commission that your disqualification is required in the circumstances you describe. Canon 3C(1)(c) mandates disqualification from any proceeding in which a minor child residing in the judge's household has a financial interest in the subject matter in controversy. Under Canon 3C(3)(c) "a financial interest" is defined to include ownership of a legal or equitable interest, however small, in a party. Therefore, ownership by minor children residing in the judge's household of stock in a bank disqualifies the judge from any proceeding involving the bank.

Since disqualification is required because of the stock ownership of your minor children, the Commission does not address the question of whether disqualification would be required by the fact that you are indebted to the bank.

Very truly yours,

JUDICIAL INQUIRY COMMISSION