

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

August 1, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge is disqualified from sitting in a proceeding in which one of the parties is represented by the law firm which employs the judge's brother's wife as a legal secretary.

It is the opinion of the Commission that the mere fact of the employment by the firm of the judge's sister-in-law does not cause the judge's disqualification in a proceeding in which the law firm represents a party. This opinion is based upon the provisions of Canon 3C(l) and previous opinions of the Commission.

In Opinion 82-134, the Commission addressed the same question except there the secretary was the judge's daughter. There, the Commission held that the relationship may, but does not necessarily, lead to disqualification. In each proceeding the judge must assess the facts and circumstances surrounding the proceeding, his relationship with the employee of the firm, and the employee's relationship to the proceeding to determine whether disqualification is required. See in accord Opinion 82-125 where the judge's child was employed as a paralegal by a law firm.

Very truly yours,

JUDICIAL INQUIRY COMMISSION