

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

August 5, 1985

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a judge is disqualified from sitting in any proceeding in which the law firm, which employs the judge's son as a law clerk, represents a party to the proceeding.

It is the opinion of the Commission that the mere fact that the judge's son is employed as a law clerk in a law firm, which represents a party to a proceeding, does not cause the judge's disqualification in that proceeding. However, facts and circumstances could arise which could cause disqualification. For instance, the judge would be disqualified in any proceeding in which the law clerk participated.

This opinion is based on Canon 3C of the Alabama Canons of Judicial Ethics. Canon 3C requires that a judge should disqualify himself in any proceeding in which his disqualification is required by law or in which his impartiality might reasonably be questioned.

Sincerely,

JUDICIAL INQUIRY COMMISSION