

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

September 29, 1987

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 a proceeding in which the attorney for one of the parties is serving as attorney for an estate for which the judge serves as executor.

It is the opinion of the Commission that under Canon 3C of the Alabama Canons of Judicial Ethics a judge is disqualified from sitting in any proceeding in which an attorney for one of the parties has been employed by the judge to serve as attorney for an estate for which the judge serves as executor. In past opinions, this Commission has advised that under Canon 3C of the Alabama Canons of Judicial Ethics a judge is disqualified from sitting in any proceeding in which an attorney, who represents one of the parties, has been retained by the judge in an unrelated matter. (Advisory Opinion 80-74) We believe that this same disqualification applies whether the judge retains the attorney in his fiduciary or individual capacity. Of course, the disqualification would cease as soon as the estate is finally settled and the attorney/client relationship ended

Sincerely,

JUDICIAL INQUIRY COMMISSION