

Judicial Inquiry Commission

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The Judicial Inquiry Commission has considered whether a judge is disqualified from sitting in certain proceedings. The proceedings in question are those in which the judge's brother's wife's brother participates as an attorney.

It is the opinion of the Commission that the mere fact of the described relationships does not disqualify the judge. In prescribing disqualification due to kinship, Canon 3C(l)(d) describes the necessary kinship as follows:

“He or his spouse, or a person within the fourth degree of relationship to either of them, or the spouse of such a person ...”

The brother of the wife of the judge's brother does not fall within this description.

Sincerely,

JUDICIAL INQUIRY COMMISSION