

## Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

December 20, 1988

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 all criminal matters where the judge's brother is employed as an Assistant District Attorney by the local District Attorney.

It is the opinion of the Commission that a judge is not disqualified from sitting in all criminal matters under the above described circumstances. He is however disqualified from sitting in any matter in which his brother is directly involved or appears for the District Attorney's Office. See in accord Canon 3C of the Alabama Canons of Judicial Ethics and Advisory Opinions 86-277, 83-171, 80-90, 80-89 and 80-88.

Sincerely,

JUDICIAL INQUIRY COMMISSION