

Judicial Inquiry Commission

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September 24, 1993

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission. Your question is whether you are disqualified under the following circumstances:

During the course of a trial the evidence revealed the Defendant is a paralegal in the law firm which represents the judge's family partnership. This employee does not work directly for the attorney representing the partnership but rather for another attorney in the large multi-lawyer firm.

It is the understanding of this Commission that the paralegal is not represented by any member of the particular firm and that the issues in the case do not involve the paralegal's relationship or employment with the firm.

It is the opinion of this Commission that a judge is not disqualified from presiding over a civil case merely because the defendant is a paralegal in the law firm which represents the judge's family partnership.

In Advisory Opinion 85-239 this Commission held that the mere fact that a 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. See also Advisory Opinion 92-444 (commenting on 85-239); Advisory Opinion 84-217 (A judge is not 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).

This opinion has been considered by and is the opinion of the Judicial Inquiry Commission.