

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

January 26, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning the appearance in a judge's court of an attorney who briefly represented the judge and/or the law firm of which the judge was then an associate member before becoming a judge. The lawsuit at issue is characterized as a frivolous suit which occurred approximately eleven years ago. The judge does not recall that the attorney in question ever was involved in the case, and, to the judge's recollection, the law firm was the sole defendant. Your specific request appears to be for an opinion as to whether the prior relationship must be disclosed and/or whether the judge is disqualified in cases in which the attorney appears as counsel for a litigant.

The Commission has previously decided that disqualification of a judge is not required by the mere fact of prior representation of the judge by an attorney in unrelated litigation after that litigation is completed. Advisory Opinions 80-74, 82-137, 92-443, 92-454, and 94-516. Extraordinary circumstances may require disqualification after the legal controversy is resolved and/or representation otherwise ceases. Advisory Opinion 94-516. There do not appear to be any extraordinary circumstances in this case; thus, it is the opinion of the Commission that neither disclosure nor disqualification is required.

Very truly yours,

JUDICIAL INQUIRY COMMISSION