

Judicial Inquiry Commission

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November 15, 1996

The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge is disqualified to hear a case where the defendant's attorney is a member of a law firm that is presently representing another defendant in an unrelated personal injury suit brought by the judge's adult son in another county. A different member of the firm represents the defendant in the judge's son's suit, the judge has no direct involvement in his son's case, and the judge's son's case has been settled.

The Commission has not previously addressed the issue of a party being represented by a firm that also represents a party opponent to a judge's adult child in unrelated litigation. However, where a party is being represented by a firm that represents a party opponent to the judge in unrelated litigation, this Commission has held that the judge's disqualification in cases involving the attorney actually representing the judge's party opponent does not ordinarily extend to other members of the same law firm. Advisory Opinion 95-584.

None of the specific grounds of disqualification listed in Canon 3C(1) apply to the stated facts, nor does it appear that the judge's impartiality can be reasonably questioned based only on those facts. Thus, it is the opinion of the Commission that a judge is not disqualified to hear a case merely because an associate of a party's attorney is representing the party opponent to the judge's adult son in unrelated litigation in which the judge has no direct involvement.

Yours truly,

JUDICIAL INQUIRY COMMISSION