

## Judicial Inquiry Commission

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October 3, 1997

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 a divorce proceeding wherein one of the parties is the child of the circuit clerk. Under the facts presented, a motion to recuse the judges in the circuit has been filed. The motion suggests that there exists the appearance of impropriety if the local judges sit in the proceedings.

It is the opinion of the commission that the fact that a litigant in a divorce proceeding is the child of the local circuit clerk does not require disqualification. However, under these circumstances, the local judges would not be remiss or violate their duty to sit if they chose to recuse themselves from the proceedings for the sake of the appearance of impropriety and possibly the future working relations among court personnel.

Yours very truly,

JUDICIAL INQUIRY COMMISSION