

## Judicial Inquiry Commission

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November 13, 1998

The Judicial Inquiry Commission has considered your request for an advisory opinion whether a judge is disqualified to hear a petition for modification of custody in which the defendant has alleged that the judge is acquainted with the family of the plaintiff. The judge is not acquainted with the family of the plaintiff, unless a casual acquaintance of the judge who was identified as a potential witness in the original divorce is related to the plaintiff. This casual acquaintance was not called to testify in the earlier proceeding, and the judge does not know whether she is related to the plaintiff.

It is the opinion of the Commission that a judge is not disqualified to hear the petition for modification under the facts presented.

You correctly state in your request for an advisory opinion that this matter is governed by the general provision in Canon 3C(1), which requires disqualification when the judge's "impartiality might reasonably be questioned." The Commission has addressed the question of a judge's friendship or other association with a person connected with a case in a number of prior opinions. The applicable standards are recited in Advisory Opinions 93-510, 93-511, 95-541, and 96-613. The facts provided regarding the case before you do not suggest any close personal relationship that would cast reasonable doubt on a judge's impartiality. Compare, Bryars v. Bryars, 485 So.2d 1187 (Ala. Civ. App. 1986), and Advisory Opinion 81-99.

Yours truly,

JUDICIAL INQUIRY COMMISSION