



JUDICIAL INVESTIGATION COMMISSION

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June 30, 2000

JIC Advisory Opinion 2000-27

Dear Family Law Master :

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In your communication you stated that on July 1, 2000, _____ will be employed as your case coordinator. For the past four years she has worked for a county attorney who practices domestic law. You asked whether cases currently pending on your docket after July 1, 2000, with that attorney should be heard by you or whether you should recuse yourself from those cases due to a possible appearance of impropriety. You have been informed that Ms. _____ was the only paralegal in the attorney's office who handled domestic cases. Therefore, his current case load has involved Ms. _____ in one way or another.

To address the issue which you have raised the Commission reviewed Canon 3E(1) of the Code of Judicial Conduct. That section of Canon 3 states as follows:

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

E. Disqualification.

(1). A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned . . .

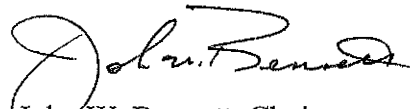
The commentary to this Canon states that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1) apply." Based upon the language contained in the Canon and the commentary, it is the opinion of the Commission that you should recuse yourself from hearing any case which was

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in the office of the attorney while Ms. was employed by him. You would not be required to recuse yourself from those cases which went to the attorney after Ms. was employed by you on July 1, 2000. It is hoped that this opinion fully addresses the question which you have raised. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,



John W. Bennett, Chairman

JWB:nb