
**12/76 A Associate of judge's relative appearing
before the judge**

A judge must disqualify him/herself when a relative appears as counsel. (Wis. Stats. sec. 256.21; Wisconsin Code of Judicial Ethics Rule 1; ABA Code of Judicial Conduct Canon 3 (c)(1)(d)(ii). According to the commentary under Canon 3 of the ABA Code of Judicial Conduct, however, when a relative's associate appears as counsel the judge may not have to disqualify him/herself. The determining considerations are whether the judge's impartiality might reasonably be questioned or whether the judge knows the relative has an interest in the law firm which could be substantially affected by the outcome of the proceeding.