

**JPC 1992-2**  
January 9, 1992

This is the Committee's formal opinion in response to your letter request of October 3, 1991. I have, however, previously advised you of the Committee's views in a telephone conversation that we had in late October.

As we understand your inquiry, you are concerned that several years ago you served as the best man at the wedding of one of your judicial colleagues on the Family Court. Your colleague's wife subsequently became a lawyer and practices in the Family Court. All members of the Court, except her spouse, hear her cases. Like many judges, you feel uncomfortable presiding over any case where a judge's spouse appears as counsel. No one, however, has suggested that you recuse yourself in matters involving your colleague's spouse.

Your inquiry implicates Canon 2 in that a judge should avoid impropriety and the appearance of impropriety in all of his or her activities. Moreover, as Canon 2B observes, a judge should not allow his or her family, social or other relationships to influence his or her judicial conduct or judgment. Moreover, the judge should not lend the prestige of his or her office to advance the private interests of others; nor should he or she convey or permit others to convey the impression that they are in a special position to influence him or her.

However, friendly relations among members of the Bench and Bar are a tradition in our State. The fact that you were best man at your judicial colleague's wedding, standing alone, does not create a disqualifying circumstance in our opinion. As the Delaware Supreme Court has previously noted, there is no mandate that judges isolate themselves from social contact with members of the Bar. This would lead to needless disqualification from pending cases to the detriment of litigants and judicial economy. CM&M Group, Inc. v. Carroll, Del. Supr., 453 A.2d 788, 795 (1982).

Thus, on the facts that you have presented we do not believe that Canon 2 requires your disqualification in cases where the spouse of your colleague appears before you. You must be the primary and constant judge of your conduct consistent with Canon 2. Your inquiry to the Committee suggests your sensitivity to the issue and we assume that you will continue to be guided by the teachings of Canon 2.

Judge Bifferato has not participated in the consideration or decision of this matter.

Andrew G.T. Moore, II, Justice, Chairman  
Chancellor William T. Allen  
Judge Clarence W. Taylor  
Judge Robert W. Wakefield  
Judge Paul E. Ellis  
Judge Alfred Fraczkowski