

2022 Regular Session

HOUSE BILL NO. 184

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

CIVIL/PROCEDURE: Provides relative to the recusal of judges

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 154(B) and to enact Code of Civil  
3 Procedure Article 158(C), relative to the recusal of judges; to provide for time  
4 limitations; to provide for the denial of motions to recuse; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 154(B) is hereby amended and reenacted  
8 and Code of Civil Procedure Article 158(C) is hereby enacted to read as follows:

9 Art. 154. Procedure for recusal of district court judge

10 \* \* \*

11 B. If the motion to recuse sets forth a ground for recusal under Article 151,  
12 not later than seven days after the judge's receipt of the motion from the clerk of  
13 court, the judge shall either recuse himself or make a written request to the supreme  
14 court for the appointment of an ad hoc judge as provided in Article 155.

15 \* \* \*

16 Comments – 2022

17 A new time limitation has been added to Paragraph B to require the judge  
18 who is the subject of the motion to recuse to act within seven days after receiving the  
19 motion from the clerk of court.

20 \* \* \*

1 Art. 158. Recusal of judge of court of appeal

2 \* \* \*

3 C. If the motion to recuse fails to set forth a ground for recusal under Article  
4 151, the judge may deny the motion without the appointment of an ad hoc judge or  
5 a hearing but shall provide written reasons for the denial.

6 Comments – 2022

7 Paragraph C of this Article is similar to Article 154 in that it allows a judge  
8 of a court of appeal to deny a motion to recuse that fails to set forth a ground for  
9 recusal without the appointment of an ad hoc judge or a hearing, but the judge must  
10 give written reasons for the denial.

11 Section 2. The Louisiana Law Institute is hereby directed to print the following  
12 Comment to Code of Civil Procedure Article 153:

13 The factual basis for the judge's recusal must pertain to one of the grounds  
14 for recusal set forth in Article 151. The fact that a judicial complaint has been filed  
15 against the judge by one of the parties, without more, is not sufficient to constitute  
16 a ground for recusal.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 184 Original

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Gregory Miller

**Abstract:** Provides with respect to the recusal of judges.

Present law (C.C.P. Art. 154(B)) requires a district judge who is the subject of a motion to recuse to either recuse himself or request that the supreme court appoint an ad hoc judge to hear the motion.

Proposed law provides that the actions required by present law must be done no later than seven days after the district judge's receipt of the motion from the clerk of court.

Present law (C.C.P. Art. 158) provides for the recusal of a judge of a court of appeal.

Proposed law provides that if a motion to recuse a judge of a court of appeal fails to set forth a ground for recusal, the judge who is the subject of the motion may deny it without the appointment of another judge or hearing, but the judge shall give written reasons for the denial.

Present law (C.C.P. Art. 153) allows a judge to recuse himself in any cause in which a ground for recusal exists.

Proposed law adds a Comment to present law providing that the fact that a judicial complaint has been filed against the judge by one of the parties, without more, does not constitute a ground for recusal.

(Amends C.C.P. Art. 154(B); Adds C.C.P. Art. 158(C))