

RÉSUMÉ DIGEST

ACT 38 (HB 184)

2022 Regular Session

Gregory Miller

Existing 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.

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

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

New 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.

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

New law adds a Comment to existing 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.

Existing law (C.C.P. Art. 4862) provides that when a written motion is made to recuse a parish or city court judge or a justice of the peace, the judge or justice of the peace shall either recuse himself or the motion to recuse shall be tried.

New law provides that the actions required by existing law shall be done no later than seven days after the parish or city court judge's or justice of the peace's receipt of the motion from the clerk of court.

New law provides that if a motion to recuse a parish or city court judge or justice of the peace fails to set forth a ground for recusal, the judge or justice of the peace 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.

Effective August 1, 2022.

(Amends C.C.P. Arts. 154(B) and 4862; Adds C.C.P. Art. 158(C))