

Regular Session, 2014

HOUSE BILL NO. 625

BY REPRESENTATIVE ABRAMSON

JUDGES: Provides for the recusation of judges in certain civil matters

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 151(C) and to enact Code of Civil
3 Procedure Article 151(D), relative to the recusal of judges; to provide for the recusal
4 of a family court judge in certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 151(C) is hereby amended and reenacted
7 and Code of Civil Procedure Article 151(D) is enacted to read as follows:

8 Art. 151. Grounds

9 * * *

10 C. A judge of a family court shall be recused when he employs a hearing
11 officer who has been employed or consulted as an attorney in the cause.

12 D. In any cause in which the state, or a political subdivision thereof, or a
13 religious body or corporation is interested, the fact that the judge is a citizen of the
14 state or a resident of the political subdivision, or pays taxes thereto, or is a member
15 of the religious body or corporation, is not a ground for recusation.

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)]

Abramson

HB No. 625

Abstract: Provides for the recusal of a family court judge who employs a hearing officer who has been employed or consulted as an attorney in the cause.

Present law provides that a judge in a civil case shall be recused when he:

- (1) Is a witness in the cause.
- (2) Has been employed or consulted as an attorney in the cause or has previously been associated with an attorney during the latter's employment in the cause, and the judge participated in representation in the cause.
- (3) Is the spouse of a party, or of an attorney employed in the cause or the judge's parent, child, or immediate family member is a party or attorney employed in the cause.
- (4) Is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that he would be unable to conduct fair and impartial proceedings.

Present law provides that a judge of a civil case may be recused when he:

- (1) Has been associated with an attorney during the latter's employment in the cause.
- (2) At the time of the hearing of any contested issue in the cause, has continued to employ, to represent him personally, the attorney actually handling the cause (not just a member of that attorney's firm).
- (3) Has performed a judicial act in the cause in another court.
- (4) Is related to: a party or the spouse of a party, within the fourth degree; an attorney employed in the cause or the spouse of the attorney, within the second degree; or if the judge's spouse, parent, child, or immediate family member living in the judge's household has a substantial economic interest in the subject matter in controversy sufficient to prevent the judge from conducting fair and impartial proceedings in the cause.

Proposed law retains present law and provides for the recusal of a family court judge who employs a hearing officer who has been employed or consulted as an attorney in the cause.

(Amends C.C.P. Art. 151(C); Adds C.C.P. Art. 151(D))