

Regular Session, 2008

ACT No. 663

HOUSE BILL NO. 1386 (Substitute for House Bill No. 758 by Representative Ponti)

BY REPRESENTATIVES PONTI, ABRAMSON, HENRY BURNS, BURRELL,
CHAMPAGNE, DIXON, GUINN, HARDY, HINES, HOFFMANN, JOHNSON,
LIGI, RICHARDSON, JANE SMITH, AND ST. GERMAIN

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 151(A) and (B), relative to the
3 recusation of judges in civil matters; to provide for mandatory grounds for recusal;
4 to provide for permissive grounds for recusal; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 151(A) and (B) are hereby amended and
7 reenacted to read as follows:

8 Art. 151. Grounds

9 A. A judge of any court, trial or appellate, shall be recused when he:

10 (1) is ~~is~~ a witness in the cause;

11 (2) Has been employed or consulted as an attorney in the cause or has
12 previously been associated with an attorney during the latter's employment in the
13 cause, and the judge participated in representation in the cause;

14 (3) Is the spouse of a party, or of an attorney employed in the cause or the
15 judge's parent, child, or immediate family member is a party or attorney employed
16 in the cause; or

17 (4) Is biased, prejudiced, or interested in the cause or its outcome or biased
18 or prejudiced toward or against the parties or the parties' attorneys or any witness to
19 such an extent that he would be unable to conduct fair and impartial proceedings.

20 B. A judge of any court, trial or appellate, may be recused when he:

21 ~~(1) Has been employed or consulted as an attorney in the cause, or has been~~
22 associated with an attorney during the latter's employment in the cause;

23 (2) At the time of the hearing of any contested issue in the cause, has
24 continued to employ, to represent him personally, the attorney actually handling the

1 cause (not just a member of that attorney's firm), and in this case the employment
2 shall be disclosed to each party in the cause;

3 (3) Has performed a judicial act in the cause in another court; or

4 ~~(4) Is the spouse of a party, or of an attorney employed in the cause; or is~~
5 ~~related to a party, or to the spouse of a party, within the fourth degree; or is related~~
6 ~~to an attorney employed in the cause; or to the spouse of the attorney, within the~~
7 ~~second degree; or~~ Is related to: a party or the spouse of a party, within the fourth
8 degree; an attorney employed in the cause or the spouse of the attorney, within the
9 second degree; or if the judge's spouse, parent, child, or immediate family member
10 living in the judge's household has a substantial economic interest in the subject
11 matter in controversy sufficient to prevent the judge from conducting fair and
12 impartial proceedings in the cause.

13 (5) ~~Is biased, prejudiced, or interested in the cause or its outcome or biased~~
14 ~~or prejudiced toward or against the parties or the parties' attorneys to such an extent~~
15 ~~that he would be unable to conduct fair and impartial proceedings.~~

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____