

Rule 63. Inability of a Judicial Officer to Proceed; Recusal

(a) Inability of a judicial officer to proceed. If a trial or hearing has been commenced and the judicial officer is unable to proceed, any other judicial officer may proceed with it upon certifying familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties, but if such other judicial officer is satisfied that such other judicial officer cannot perform those duties because such other judicial officer did not preside at the trial or for any other reason, such other judicial officer may in such other judicial officer's discretion grant a new trial. The successor judicial officer shall at the request of a party recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judicial officer may also recall any other witness.

(b) Recusal.

(1) Recusal for bias or prejudice.

(A) Whenever a party reasonably believes that the judicial officer before whom the matter is to be heard has a personal bias or prejudice, originating from sources outside of the court proceedings in either the pending case or prior cases, for or against a party, that party may file a personal affidavit stating the facts and the reasons for the belief that bias or prejudice exists. The affidavit shall be accompanied by a certificate of counsel of record stating counsel's belief that the affidavit is submitted in good faith.

(B) Upon the filing of the affidavit of a party and certificate of counsel, the judicial officer shall determine whether or not the affidavit sufficiently alleges bias or prejudice arising outside of the court proceedings in the pending case or prior cases. If the judicial officer so determines, that judicial officer shall not proceed with the matter and the case shall be assigned by the Chief Judge or the Chief Judge's designee to a different judicial officer. If the judicial officer determines that the affidavit does not sufficiently allege such bias or prejudice the judicial officer may continue with the proceedings before the Court.

(2) Recusal absent bias or prejudice. A party may move for a judicial officer to recuse himself or herself due to a conflict of interest, personal knowledge of the facts of the case, association with a litigant or any other reason which a party reasonably believes might affect the neutrality of the judicial officer. The judicial officer shall rule on such a motion before proceeding any further with the case.