

Proposed rule

Reasons for change

RULE 2.160. DISQUALIFICATION OF TRIAL JUDGES

(a) **Application.** [no change]

(b) **Parties.** [no change]

(c) **Motion.** A motion to disqualify shall be in writing and specifically allege the facts and reasons relied on to show the grounds for disqualification and shall be sworn to by the party by signing the motion under oath or by a separate affidavit. The attorney for the party shall also separately certify that the motion and the client's statements are made in good faith. In addition to filing with the clerk, the movant shall immediately send a copy of the motion to the subject judge.

(d) **Grounds.** [no change]

(e) **Time.** A motion to disqualify shall be ~~made~~filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion and shall be promptly presented to the court for an immediate ruling. Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record ~~and shall, provided that it is~~ also ~~be filed~~ promptly reduced to writing in compliance with subdivision (c), and filed. ~~Such trial motions~~ A motion made during hearing or trial may be ruled on immediately.

(f) **Determination — Initial Motion.** [no change]

Subdivision (c) has been amended to require that a party filing a motion to disqualify simultaneously provide the subject judge with a copy of the motion.

Subdivision (e) has been amended to attempt to clear up confusion resulting from the subdivision's language by substituting "filed" for "made," and by expressly stating that a motion may be made orally at a hearing as well as at trial, provided the motion is promptly reduced to writing and filed.

(g) **Determination — Successive Motions.** [no change]

(h) **Prior Rulings.** [no change]

(i) **Judge's Initiative.** [no change]