

Proposed Uniform Superior Court Rule

Rule 25.4. Procedure upon a motion for disqualification (proposed additions are underlined>)



A Georgia Courthouse

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Rule 25.4. Procedure upon a motion for disqualification.

The motion shall be assigned for hearing to another judge, who shall be selected in the following manner:

(A) If within a single judge circuit, the district administrative judge shall select the judge;

(B) If within a two judge circuit, the other judge, unless disqualified, shall hear the motion;

(C) If within a multi judge circuit, composed of three (3) or more judges, selection shall be made by use of the circuits existing random, impartial case assignment method. If the circuit does not have random, impartial case assignment rules, then assignment shall be made as follows:

(1) The chief judge of the circuit shall select a judge within the circuit to hear the motion, unless the chief judge is the one against whom the motion is filed; or

(2) In the event the chief judge is the one against whom the motion is filed, the assignment shall be made by the judge of the circuit who is most senior in terms of service other than the chief judge and who is not also a judge against whom the motion is filed; or

(3) When the motion pertains to all active judges in the circuit, the district administrative judge shall select a judge outside the circuit to hear the motion.

(D) If the district administrative judge is the one against whom the motion is filed, the available judge within the district senior in time of service (or next senior in time of service, if the administrative judge is the one senior in the time of service) shall serve in this selection process instead of the district administrative judge.

If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as outlined above.

(E) If all judges within a judicial administrative district are disqualified, including the administrative judge, the matter shall be referred by the disqualified administrative judge to the administrative judge of an adjacent district for the appointment of a judge who is not a member of the district to preside over the motion or case.

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