

1 **Rule 63A. Change of judge as a matter of right.**

2 (a) Notice of change. Except in ~~small claims proceedings, in any civil action~~
3 ~~commenced after April 15, 1992 in any district court~~ actions with only one party, all
4 parties joined in the action may, by unanimous agreement and without cause, change
5 the judge assigned to the action by filing a notice of change of judge. The parties shall
6 send a copy of the notice to the assigned judge and the presiding judge. The notice
7 shall be signed by all parties and shall state: (1) the name of the assigned judge; (2) the
8 date on which the action was commenced; (3) that all parties joined in the action have
9 agreed to the change; (4) that no other persons are expected to be named as parties;
10 and (5) that a good faith effort has been made to serve all parties named in the
11 pleadings. The notice shall not specify any reason for the change of judge. Under no
12 circumstances shall more than one change of judge be allowed under this rule in an
13 action.

14 (b) Time. Unless extended by the court upon a showing of good cause, the notice
15 must be filed within 90 days after commencement of the action or prior to the notice of
16 trial setting, whichever occurs first. Failure to file a timely notice precludes any change
17 of judge under this rule.

18 (c) Assignment of action. Upon the filing of a notice of change, the assigned judge
19 shall take no further action in the case. The presiding judge shall promptly determine
20 whether the notice is proper and, if so, shall reassign the action. If the presiding judge is
21 also the assigned judge, the clerk shall promptly send the notice to the ~~Chief Justice~~
22 associate presiding judge, to another judge of the district, or to any judge of a court of
23 like jurisdiction, who shall determine whether the notice is proper and, if so, shall
24 reassign the action.

25 (d) Nondisclosure to court. No party shall communicate to the court, or cause
26 another to communicate to the court, the fact of any party's seeking consent to a notice
27 of change.

28 (e) Rule 63 unaffected. This rule does not affect any rights under Rule 63.

29