

**Rule 2.11**

1       **Rule 2.11 – Disqualification**

2       (A) A judge shall disqualify himself or herself in any proceeding in which the judge's  
3 impartiality might reasonably be questioned, including but not limited to the following  
4 circumstances:

5       (1) The judge has a personal bias or prejudice concerning a party or a party's  
6 lawyer, or personal knowledge of facts that are in dispute in the proceeding.

7       (2) The judge knows that the judge, the judge's spouse or domestic partner, or a  
8 person within the third degree of relationship to either of them, or the spouse or  
9 domestic partner of such a person is:

10       (a) a party to the proceeding, or an officer, director, general partner, managing  
11 member, or trustee of a party;

12       (b) acting as a lawyer in the proceeding;

13       (c) a person who has more than a de minimis interest that could be substantially  
14 affected by the proceeding; or

15       (d) likely to be a material witness in the proceeding.

16       (3) The judge knows that he or she, individually or as a fiduciary, or the judge's  
17 spouse, domestic partner, parent, or child, or any other member of the judge's family  
18 residing in the judge's household, has an economic interest in the subject matter in  
19 controversy or in a party to the proceeding.

20       (4) The judge knows or learns by means of a timely motion that a party, a party's  
21 lawyer, or the law firm of a party's lawyer has within the previous three years made  
22 aggregate contributions to the judge's retention in an amount that is greater than \$50.

23       (5) The judge, while a judge or a judicial candidate, has made a public statement,  
24 other than in a court proceeding, judicial decision, or opinion, that commits or appears  
25 to commit the judge to reach a particular result or rule in a particular way in the  
26 proceeding or controversy.

27       (6) The judge:

28       (a) served as a lawyer in the matter in controversy, or was associated with a lawyer  
29 who participated substantially as a lawyer in the matter during such association;

30       (b) served in governmental employment, and in such capacity participated  
31 personally and substantially as a lawyer or public official concerning the proceeding, or

Rule 2.11

32 has publicly expressed in such capacity an opinion concerning the merits of the  
33 particular matter in controversy;

34 (c) was a material witness concerning the matter; or

35 (d) previously presided as a judge over the matter in another court and is now acting  
36 as a judge who would hear the appeal or trial de novo.

37 (B) A judge shall keep informed about the judge's personal and fiduciary economic  
38 interests, and make a reasonable effort to keep informed about the personal economic  
39 interests of the judge's spouse or domestic partner and minor children residing in the  
40 judge's household.

41 (C) A [trial court](#) judge subject to disqualification under this Rule, other than for bias  
42 or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's  
43 disqualification and may ask the parties and their lawyers to consider, outside the  
44 presence of the judge and court personnel, whether to waive disqualification. If,  
45 following the disclosure, the parties and lawyers agree, without participation by the  
46 judge or court personnel, that the judge should not be disqualified, the judge may  
47 participate in the proceeding. The agreement shall be incorporated into the record of the  
48 proceeding.

49 [\(D\) An appellate court judge or justice subject to disqualification under this Rule,](#)  
50 [other than for bias or prejudice under paragraph \(A\)\(1\), may send notice to the parties](#)  
51 [disclosing the basis for the judge or justice's disqualification and asking them to](#)  
52 [consider whether to waive disqualification. With respect to paragraphs \(A\)\(2\) or \(A\)\(3\),](#)  
53 [the judge or justice may participate in the decision of the case if all parties, other than](#)  
54 [the party presumably benefitted by the apparent bias constituting the disqualifying](#)  
55 [circumstance, waive the disqualification. With respect to paragraphs \(A\)\(4\) through](#)  
56 [\(A\)\(6\), the judge or justice may participate in the decision of the case if all parties waive](#)  
57 [the disqualification. The responses to a notice of a disqualifying circumstance shall be](#)  
58 [included in the appellate file pertaining to the proceeding.](#)

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