

1420.2600 REASSIGNMENT AND DISQUALIFICATION.

Subpart 1. **Disqualification by judge.** A judge shall withdraw from participation in a case at any time if the judge deems himself or herself disqualified, prejudiced, or biased for any reason.

Subp. 2. **Disqualification by a party.** A party or the party's attorney may file an affidavit of prejudice and motion to disqualify a judge if the party reasonably believes that a hearing before the assigned judge cannot be fair due to the judge's prejudice or bias. The affidavit must be served on opposing parties and filed with the chief judge not more than ten days after the filing party has received notice of the assigned judge or has knowledge of the grounds for disqualification, whichever occurs last. Upon filing of the motion and affidavit of prejudice, the chief judge or designee shall issue an order and assign the case to another judge if appropriate.

A party or the party's attorney may file a motion to disqualify a judge for a cause other than or in addition to that described in an affidavit of prejudice. The motion must be supported by an affidavit detailing the facts establishing the grounds for disqualification and filed with the chief judge not more than ten days after the moving party has received notice of the assigned judge or has knowledge of the grounds for disqualification, whichever occurs last. The motion will be decided by the chief judge or a designee.

Subp. 3. **Reassignment.** A request for reassignment under Minnesota Statutes, section 176.312, is subject to the same procedures set forth in subpart 2, except that an affidavit of prejudice is not required. Each party is allowed one filing per case under this subpart and Minnesota Statutes, section 176.312. For purposes of this part, "case" means the initial assignment of a judge for hearing and all subsequent hearings regarding the same parties with the same judge. If the parties to the claim subsequently change, only the new parties may request reassignment. If a judge assignment is made just prior to a hearing, a party may request reassignment orally and then file the written request for reassignment on or before the hearing date. If a judge assignment is made just before the hearing, the written petition for reassignment may be faxed to the office or filed in person on or before the date of hearing. The chief judge may reassign a case or a particular hearing to a different judge as necessary when the assigned judge is unavailable to hear the case as scheduled.

Subp. 4. **Consolidated cases.** Consolidated cases are considered one case under this part.

Subp. 5. **Conferences.** This part is not applicable to settlement, administrative, or pretrial conferences.

Statutory Authority: *MS s 14.51; 176.081; 176.155; 176.285; 176.312; 176.361; 176.83*

History: *29 SR 1446*

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