

Original Sponsors: Messrs. Sanders,
Taylor and Josephson

Offered: 3/19/63
Referred:

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 104

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disqualification of
7 superior court judges by parties or
8 attorneys."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 22.10 is amended by adding new sections to
11 read:

12 Sec. 22.10.200. ESTABLISHING THE PREJUDICE OF A JUDGE.

13 (a) A party to or an attorney appearing in an action pending
14 before a superior court may establish the prejudice of the
15 judge before whom the action is pending by a notice of
16 prejudice which states (1) that the judge is prejudiced
17 against the party or attorney or the interest of either; or
18 (2) that the party or attorney cannot, or believes he can-
19 not, have a fair trial before the judge.

20 (b) The party or attorney must file the notice and call
21 it to the attention of the judge before whom the action is
22 pending before he makes any ruling in the action on a motion
23 of the party or attorney filing the notice.

24 (c) In a judicial district where there is only one
25 resident judge, (b) of this section is subject to the con-
26 dition that the party or attorney must file the notice on
27 or before the day on which the action is called to be set
28 for trial.

29 (d) If, after the notice has been filed, the parties

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agree in writing, the judge before whom the action is pending may hear arguments and rule upon any preliminary motion or other matter the parties may present.

(e) No party or attorney may file more than one notice under this section in one action.

Sec. 22.10.210. DUTY OF JUDGE. Upon considering the notice of prejudice the judge shall

- (1) transfer the action to another department of the same court; or
- (2) call in a judge from another judicial district to try the action; or
- (3) request the chief justice of the supreme court to assign a judge to try the action; or
- (4) if the action is one for which a change of venue may be made under sec. 40 of this chapter, send the action to the most convenient court in another judicial district.