

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/18/19
A Bill

SENATE BILL 311

By: Senator A. Clark
By: Representative M. Gray

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE
DISQUALIFICATION OF JUDGES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
DISQUALIFICATION OF JUDGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-13-214 is amended to read as follows:
16-13-214. Disqualification of judges.

~~No judge of the circuit court shall sit on the determination of any case in which he or she is interested in the outcome, is related to any party within the third degree of consanguinity or affinity, has been of counsel in the case or presided over it in any inferior court, or is otherwise disqualified under the Arkansas Code of Judicial Conduct, unless the parties waive the disqualification as provided therein~~ Unless the parties to a case waive the basis for the disqualification of the judge, a judge of the circuit court is disqualified from sitting on the determination of a case in which:

- (1) He or she is interested in the outcome;
- (2) He or she is related to a party to the case within the third degree of consanguinity or affinity;
- (3) He or she has been of counsel in the case or presided over the case in an inferior court;
- (4) A present member of his or her judicial staff is a party to the case;



(5) An immediate family member of a present member of his or her judicial staff is a party to the case or an attorney in the case;

(6)(A) A person who was a former member of his or her judicial staff within the past (3) years is a party to the case or an attorney in the case.

(B) Subdivision (6)(A) of this section does not apply if the person was an intern, extern, or an otherwise non-permanent member of the judicial staff;

(7) An immediate family member of a person who was a former member of his or her judicial staff within the past three (3) years is a party to the case or an attorney in the case; or

(8) He or she is otherwise disqualified under the Arkansas Code of Judicial Conduct.

/s/A. Clark