

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/18/19

A Bill

SENATE BILL 311

5 By: Senator A. Clark
6 By: Representative M. Gray
7

For An Act To Be Entitled

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

Subtitle

14 TO AMEND THE LAW CONCERNING THE
15 DISQUALIFICATION OF JUDGES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 16-13-214 is amended to read as follows:

21 16-13-214. Disqualification of judges.

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

30 (1) He or she is interested in the outcome;

31 (2) He or she is related to a party to the case within the third
32 degree of consanguinity or affinity;

33 (3) He or she has been of counsel in the case or presided over
34 the case in an inferior court;

35 (4) A present member of his or her judicial staff is a party to
36 the case;



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

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

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

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

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

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16 /s/A. Clark
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