

APPENDIX I – Judicial Assignment and Reassignment

All cases are assigned at some point to a specific judge for hearing. In civil cases, the assignment may be made when the summons is issued, using court form (CIV-100 or 105), or by stamping the judicial assignment information on a summons provided by the party filing the action. Some courts do this at the time the case is filed. Other courts wait until an actual court appearance is scheduled or specific motions are filed before assignment.

Assignments may be permanent with one judge assigned to do all aspects of the case or they may be temporary with different judges handling different aspects. For example, a large court may have a specific judicial assignment for certain types of motions or certain types of cases.

Once a judge is assigned, a party or the court may cause the case to be reassigned because of a challenge to the judge or a need to balance caseload. Reassignments are done by the presiding judge or another designated person, such as a court administrator or a calendaring clerk. Administrative Rule 27.

I. Initial Assignment

A. Judges are assigned as follows:

1. At single judge locations all cases over which that judge has jurisdiction will be assigned to that judge.
2. Locations which do not have a district court judge or a superior court judge may be required to contact the nearest appropriate court to obtain a judicial assignment.
3. Court locations with multiple judges may adopt a system of rotation in judicial appointment or may assign specific types of case or hearings to a particular judge.

B. Formal assignment of a judge in the format of a notice of assignment should be sent to all parties. Form TF-105 is a calendaring notice and judicial assignment form used by many courts. Other forms also contain a place for assignment in specific cases, such as CR-140, Notice of Next Court Appearance and AP-300, Clerk's Notice to Parties. See local practice for the form your court generally uses to notify parties.

C. Process the notice as follows:

1. Complete appropriate information.
2. File stamp and place original in case file. See Appendix E, File Stamp Procedures.

3. Complete clerk's certificate of distribution. See Appendix B, Certificate of Distribution Procedures. Distribute as follows:
 - a. Original to case file.
 - b. Copy to each attorney and pro se party who has appeared in the case.
- D. Record assignment on the front of the case file and in computer, if applicable.

II. Peremptory Challenge (Notice of Change of Judge)

A party may disqualify a judge without stating a reason. Multiple parties on the same side may be granted more than one peremptory challenge by the judge. The disqualification must take place no later than five days from the assignment of the judge. Criminal Rule 25(d) and Civil Rule 42(c).

- A. Attorney or pro se party files a request or notice of disqualification. Notice of Change of Judge (Peremptory Challenge) (form TF-935) may be used. Disqualification may occur on the record at a hearing, if the request is timely. A Notice of Change of Judge should be completed to provide written backup for the case file.
- B. File stamp notice. See Appendix E, File Stamp Procedures.
- C. Review request. See local practice for person designated to review request.
 1. Check for timeliness. Request is timely if it is filed within 5 days after initial assignment. Calculate the time for filing notice of disqualification as explained below. Civil Rule 6(a) and 6(c).
 - a. Begin counting the day following the date the notice of assignment of judge was given or sent to counsel.
 - b. Do not count Saturdays, Sundays or holidays.
 - c. If the fifth day is a Saturday, Sunday or holiday, go to the next business day. Close of business, 4:30 p.m., on the this day is the close of the filing period.
 - d. If the notice of assignment of judge was by mail, add 3 days to the close of the filing period.

NOTE: A party waives the right to change as a matter of right a judge who has been permanently assigned to the case by knowingly participating before that judge in any judicial proceeding which concerns the merits of the action and involves consideration of evidence or affidavits. Civil Rule 42(c)(4)(i). Check to see who makes this determination in your court.

2. Check for prior peremptory challenge, if any.
- D. Forward to currently assigned judge for decision if:
1. Request is not timely filed, or
 2. A prior peremptory challenge has been filed by the same side or party.
- E. Forward to presiding judge or person designated to make reassignments if:
1. Request is timely, and
 2. No prior challenge has been filed by the same side or party, or
 3. Current judge has granted an untimely request or a subsequent peremptory challenge.
- F. File stamp order after decision or reassignment.
- G. Complete certificate of distribution. See Appendix G, Certificate of Distribution Procedures. Distribute as follows:
1. Original to case file.
 2. Copy to each attorney and pro se party.
 3. Copy to preempted judge and new judge, if required by your district. See local practice.
- H. Record assignment on the front of the case file and in computer, if applicable.

III. **Disqualification of Judge for Cause**

A party may file a motion which states the reason a judge should not hear a case, such as bias or conflict of interest. This motion may be filed at any time. If the assigned judge agrees with the reasons stated, a new judge is assigned immediately. If the assigned judge does not agree, the case is reviewed by the presiding judge of the judicial district. A third judge is assigned to determine the disqualification. AS 22.20.020.

- A. Attorney or pro se party files a request or motion to disqualify for cause.
- B. File stamp motion. See Appendix E, File Stamp Procedures.

C. Forward motion and case file to currently assigned judge.

1. If judge grants motion for disqualification, the case file is forwarded to the presiding judge or designated person for reassignment.
2. If judge denies motion for disqualification:
 - a. Forward appropriate information to presiding judge. Some locations may require the entire file; others may only require the paperwork relating to the disqualification. See local practice.
 - b. Another judge will be assigned to determine the disqualification issue.

D. File stamp order after decision or reassignment.

E. Complete certificate of distribution. See Appendix B, Certificate of Distribution Procedures. Distributes as follows:

1. Original to case file
2. Copy to each attorney and pro se party
3. Copy to disqualified judge and new judge, if required by your district. See local practice.

F. Record assignment on the front of the case file and in computer if a new judge has been assigned.

IV. **Recusal**

Judges may file a notice of recusal to disqualify themselves from cases if they believe they are unable to hear a particular proceeding because of bias or conflict of interest. The judge is then removed from the case and another judge assigned.

- A. The judge prepares and files a recusal notice with the clerk. AS 22.20.020(b). Request/Order for Reassignment (TF-120) may be used.
- B. File stamp recusal notice. See Appendix E, File Stamp Procedures.
- C. Forward notice to presiding judge or person designated to make reassignments. Some locations may require the entire file; others may only require the paperwork relating to the disqualification. See local practice.
- D. File stamp order after reassignment.

- E. Complete certificate of distribution. See Appendix B, Certificate of Distribution Procedures. Distribute as follows:
 - 1. Original to case file
 - 2. Copy to each attorney and pro se party that has appeared in the case
 - 3. Copy to recused judge and new judge, if required by your district. See local practice.

- F. Record assignment on the front of the case file and in computer if a new judge is assigned.