

Administrative Judicial Region Monthly Reporting Form Frequently Asked Questions

What do the following “Reason for Assignment” categories mean/include?

Recusal - Voluntary: Assignments to cases when a judge has voluntarily (no hearing) recused regardless of whether a motion to recuse has been filed. If a judge voluntarily recuses **and** disqualifies him/herself, the assignment should be counted in the disqualification category only.

Recusal – Involuntary: Assignments to cases when recusal of the judge on the case has been found to be appropriate following a hearing on a motion to recuse. If a judge is also found to be disqualified, the assignment should be counted in the disqualification category only. (This category does not include the assignment of a judge to hear the motion.)

Disqualification – Voluntary: Assignments to cases when a judge requests an assignment because he/she is disqualified without a hearing on a motion to disqualify. Whether a motion has been filed is irrelevant. The key factor is whether the judge has disqualified him/herself without a determination being made following a hearing. If a judge also recuses him/herself, the assignment should only be counted in the disqualification category.

Disqualification – Involuntary: Assignments to cases when a judge is found to be disqualified after a hearing on a motion to disqualify. If a judge also recuses him/herself, the assignment should only be counted in the disqualification category. (This category does not include the assignment of a judge to hear the motion.)

Education: Assignments to cover a judge’s absence due to attendance at a professional development event. This includes continuing judicial/legal education conferences/seminars as well as any workshops, conferences, seminars, or meetings designed to enhance a judge’s professional development. The event does not have to be approved for judicial education hours to be included under this category.

Vacant Bench: Vacancies resulting from: 1) a judge’s death, resignation, retirement, or suspension; 2) a judge’s absence of more than two weeks that is due to an illness; and 3) for vacancies created when the governor has not appointed a judge to a newly created bench.

Information Regarding an Assignment for a Motion to Recuse/Disqualify

Where/how are assignments to hear motions to recuse/disqualify reported? The number of assignments for the purpose of hearing motions to recuse/disqualify will be captured in the “Motions to Recuse/Disqualify” box. Because we need to collect the number of recusal/disqualification motions heard by judges, you will need to report the actual number of motions heard by your judges. Therefore, if the presiding judge makes one “assignment” but it is for a judge to hear multiple motions, you need to count/report the number of motions that the judge has been assigned to hear.

When do I report that a motion has been heard and its disposition? The number of motions heard by the various types of judges who have heard the motions and the disposition of the motions should be reported in the month when you receive the information regarding the disposition of the motion. If the motion was heard in a month prior to the reporting period in which you received the information, you do not have to go back and correct the report from the prior month.

Vacant Benches

Why are we reporting the number of days a judge has been assigned to sit due to a judge's illness under the Vacant Benches section? The purpose of this reporting element is to obtain information regarding the number of days a judge must be assigned to a court for an extended period for a reason that is outside the active judge's control. Though absences due to serious illness are not actual "vacancies," they can have a significant impact on a region's visiting judge budget similar to vacancies that result from the death or resignation of an active judge.

How do we determine which illnesses should be covered for this reporting requirement? This reporting element is intended to cover absences due to illnesses that require an absence of more than two weeks, such as recovery from surgery. However, the key factor is the length of absence, not the type of illness. If an active judge has been out due to illness for more than two weeks, the number of days a judge has been assigned to the court to cover that absence should be reported until the active judge resumes regular service even if the absence in the last month is less than two weeks. For example, the number of days a judge has been assigned to sit for a judge who has been absent due to illness from March 3 through April 4 should be reported in March and April. Even though the number of days in April would not have not exceeded two weeks, the entire absence for the illness did.

What is a "New Bench" vacancy? This is a vacancy that arises when a new court is created but the governor has not appointed a judge to the bench.

What is a "Suspension" vacancy? This is a vacancy that results when a judge has been suspended from service by the Judicial Conduct Commission.