

## **Grounds for Disqualification of a Small Claims Court Judge**

You are disqualified to hear a small claims action if one or more of the following are true [CCP §170.1]:

- You have personal knowledge of disputed evidentiary facts concerning the proceeding.
- You served as a lawyer in the current proceeding or, in any past proceeding involving the same issues, served as a lawyer for anyone now a party in the current proceeding, or you gave advice to any party in the current proceeding on any matter involved in the action or proceeding.
- You, your spouse, or your minor child residing with you has a financial interest in the subject matter of the proceeding or in a party to the proceeding.
- You, your spouse, a person within the third degree of relationship to either of you, or the spouse of such a person is a party to the proceeding or is an officer, director, or trustee of a party.
- For any reason,
  - you believe your recusal would further the interests of justice,
  - you believe there is substantial doubt about your capacity to be impartial, or
  - a person aware of the facts might reasonably entertain a doubt that you would be able to be impartial.

Bias or prejudice toward a lawyer in the proceeding may be grounds for disqualification.

- By reason of permanent or temporary physical impairment, you are unable to properly perceive the evidence or unable to properly conduct the proceeding.
- You have a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral, or you are participating in or, within the last two years, have participated in discussions regarding prospective employment or service as a neutral, or have been engaged in that employment or service, and any of the following applies:
  - The arrangement is, or the prior employment or discussion was, with a party to the proceeding,
  - The matter before you includes issues relating to the enforcement of either an agreement to submit a dispute to an alternative dispute resolution process or an award or other final decision by a dispute resolution neutral.
  - You direct the parties to participate in an alternative dispute resolution process in which the neutral will be an individual or entity with whom you have the arrangement, have previously been employed or served, or are discussing or have discussed the employment or service.
  - You will select a neutral or entity to conduct an alternative dispute resolution process in the matter before you, and among those available for selection is an individual or entity with whom you have the arrangement, with whom you have previously been employed or

served, or with whom you are discussing or have discussed the employment or service.

- You have received a contribution in excess of \$1,500 from a party or lawyer in the proceeding, and the contribution was received in support of your last election (if it was within the last six years), or the contribution was received in anticipation of an upcoming election.