



**LOUISIANA STATE LAW INSTITUTE**

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December 22, 2025

Representative Phillip R. DeVillier  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804

Senator Cameron Henry  
President of the Senate  
P.O. Box 94183  
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 9 OF THE 2025 REGULAR SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to recusal in criminal cases.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge", with a large, stylized flourish extending from the end of the signature.

Guy Holdridge  
Director

GH/puc  
Enclosure

cc: Representative Troy Hebert

email cc: David R. Poynter Legislative Research Library  
[drplibrary@legis.la.gov](mailto:drplibrary@legis.la.gov)

Secretary of State, Ms. Nancy Landry  
[admin@sos.louisiana.gov](mailto:admin@sos.louisiana.gov)

**LOUISIANA STATE LAW INSTITUTE  
CODE OF CRIMINAL PROCEDURE COMMITTEE**

**REPORT TO THE LEGISLATURE IN RESPONSE TO  
HCR NO. 9 OF THE 2025 REGULAR SESSION**

**Relative to the recusal of judges in criminal proceedings**

Prepared for the  
Louisiana Legislature on

**December 22, 2025**

Baton Rouge, Louisiana

# **LOUISIANA STATE LAW INSTITUTE CODE OF CRIMINAL PROCEDURE COMMITTEE**

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Kristin M. Wenstrom, New Orleans

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Marilyn Castle, Reporter  
Jessica G. Braun, Attorney

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 9

BY REPRESENTATIVE HEBERT

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and recommend legislation for implementation of procedures for recusal of judges and justices of the peace in criminal proceedings and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

WHEREAS, Code of Civil Procedure Article 151 et seq., provides the grounds and procedure for recusal of a judge in civil case; and

WHEREAS, Code of Criminal Procedure Article 671 et seq., provides the grounds and procedure for recusal of a judge in a criminal case; and

WHEREAS, Code of Civil Procedure Article 155 requires the supreme court to appoint an ad hoc judge to hear a motion for a recusal in a civil case; and

WHEREAS, Code of Criminal Procedure Article 675 provides that a judge in the same court hears a recusal in a criminal case unless the court only has one judge in which case the supreme court will appoint an ad hoc judge to hear the recusal; and

WHEREAS, Louisiana Code of Judicial Conduct Canon 2 provides that a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, impartiality of a judge is crucial to the administration of justice; and

WHEREAS, consistent procedures, especially in a motion for recusal, ensures equal justice across all courts.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and recommend legislation for implementation of procedures for recusal of judges and justices of the peace in criminal proceedings and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

December 22, 2025

To: Representative Phillip R. DeVillier  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, LA 70804

Senator J. Cameron Henry, Jr.  
President of the Senate  
P.O. Box 94183  
Baton Rouge, LA 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO  
HOUSE CONCURRENT RESOLUTION NO. 9 OF THE 2025 REGULAR SESSION**

House Concurrent Resolution No. 9 of the 2025 Regular Session authorized and directed the Louisiana State Law Institute to study and recommend legislation for implementation of procedures for recusal of judges and justices of the peace in criminal proceedings to mirror the provisions currently applicable to recusal in civil cases. In fulfillment of this request, the Law Institute assigned this project to its Criminal Code and Code of Criminal Procedure Committee, which operates under the direction of retired Judge Marilyn Castle as Reporter and is comprised of prosecutors, defense attorneys, judges of district and appellate courts, and representatives of several associations.

The Committee met to discuss and review the statutes mentioned in the resolution and compared these provisions to the law relative to the recusal of judges in civil proceedings. Several years ago, the Law Institute undertook a review of the recusal statutes in both civil and criminal cases. The final recommendation of that study was a revision of the rules for recusal in civil cases to provide for the appointment of a judge from outside of the district to hear recusal motions. At the time, the Law Institute did not recommend the same procedure in criminal cases due to the applicable speedy trial requirements, the need to expedite criminal matters in consideration of the rights of an accused, and the interests of public safety. Additionally, most judicial districts have differing policies regarding the setting of bond for release from jail, the hearing of motions for bond reduction, and the availability of pre-trial diversion programs. When an allotted judge cannot take action in these matters due to a pending recusal hearing, the importance of a quick resolution of the recusal motion becomes even greater.

Since the enactment of the changes to civil recusal proceedings, it has been the experience in most districts that the timeframe for a hearing on a civil recusal motion is several weeks after a judge is appointed by the Supreme Court. The appointed judge must coordinate his or her schedule with the local jurisdiction for available court time and resources to accommodate the hearing. This is an acceptable delay in most civil cases but, as initially noted, the delay in hearing a motion to recuse in the criminal context presents significant concerns as to the rights of the defendant as well as the state.

In light of these considerations, the Law Institute does not recommend any legislative changes regarding the recusal of judges and justices of the peace in criminal proceedings.