

Proposed Amendments to Rule 63

Rule 63 is amended as follows:

~~[TITLE VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS]~~

Rule 63. Judge's Inability ~~[of a Judge]~~ to Proceed

If a ~~[trial or hearing has been commenced and the]~~ judge **conducting a hearing or trial** is unable to proceed, any other judge may proceed ~~[with it]~~ upon certifying familiarity with the record and determining that the ~~[proceedings in the action]~~ **case** may be completed without prejudice to the parties. In a hearing or **a nonjury** trial ~~[without a jury]~~, the successor judge ~~[shall]~~ **must**, at ~~[the]~~ **a party's** request ~~[of a party]~~, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judge may also recall any other witness.

(As amended July 28, 1988, eff. Nov. 1, 1988; Sept. 30, 2003, eff. Jan. 1, 2004; _____, **2008**, eff. _____, **2009**.)

Advisory Committee Note

Rule 63 has been amended stylistically to conform to the 2007 amendments to the Federal Rules of Civil Procedure and has been included under Title VII for that reason.