

Rule 63. Judge's Inability to Proceed

If a judge conducting a hearing or trial is unable to proceed, any other judge may proceed upon certifying familiarity with the record and determining that the case may be completed without prejudice to the parties. In a hearing or a nonjury trial, the successor judge must, at a party's request, 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.

PRACTICE COMMENT: Pursuant to the renumbering of the Rules, the former Rule 77(e)(5) now will be identified as Rule 63, and the former Rule 63 now will be identified as Rule 86.2. New Rule 63 conforms to Rule 63 of the Federal Rules of Civil Procedure.

(As amended July 28, 1988, eff. Nov. 1, 1988; Sept. 30, 2003, eff. Jan. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009.)