Quinn Weedon for the Journal Record - So, You Want a New Judge — Rule 15 and the Risks of Recusal Efforts

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No motion is as risky as a motion to disqualify a trial judge, which essentially tells the judge, to her face, that she cannot be trusted to be fair. Before proceeding with a recusal effort, litigants should know the potential pitfalls and proper procedure.

A judge must step aside whenever her impartiality might reasonably be questioned. See 20 O.S. § 1401; OK ST CJC R. 2.11. But judges are presumed to be unbiased, and a complaining party must point to concrete facts supporting bias or the appearance of bias. *See Pierce v. Pierce*, 2001 OK 97, ¶ 19.

Oklahoma's District Court Rule 15 governs the procedure for disqualification and recusal of judges. Think of Rule 15 as a staircase. The first step is an informal in camera request where the complaining party privately asks the judge to step aside. The other side must have notice and be present during this *in camera* request.

If the judge declines to recuse, the complaining party may file a formal written motion to disqualify. The formal motion must be made no fewer than 10 days before trial and within 10 days of the judge's refusal to recuse.

Then, if the formal motion fails, the complaining party has five days to re-present it to the county's Chief Judge (or, where the Chief Judge is the target, the Presiding Judge of the administrative judicial district).

If the motion fails on re-hearing, there is one last option—the complaining party has five days to seek a writ of mandamus from a higher court. Miss any step, and the appellate court will not hear the complaint.

A revised Rule 15 took effect June 1, 2026. The major fix resolved confusion over counting those five-day deadlines: civil cases now use business-day computation, criminal cases use calendar days.

Finally, a recusal motion grounded in a genuine conflict (financial interest, family tie) might be obligatory, but one filed after an adverse ruling or based on some suspicion of bias is weak and dangerous. Under Rule 15, a frivolous recusal motion can trigger sanctions in civil cases. Lawyers who judge shop risk discipline. *See State ex rel. Oklahoma Bar Ass'n v. Godlove*, 2013 OK 38. And critically, a failed motion can leave a litigant in front of the very judge they just accused of being unethical. Accordingly, when considering a recusal effort, proceed with caution and know and follow the rules.