

Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2262 (Michelle Rodriguez) – As Amended March 24, 2026

PROPOSED CONSENT

**SUBJECT:** COURTS: DISQUALIFICATION OF JUDGES

**KEY ISSUE:** SHOULD PARTIES SEEKING TO DISQUALIFY A JUDGE BE REQUIRED TO SERVE THE WRITTEN VERIFIED STATEMENT DURING REGULAR BUSINESS HOURS AT THE COURTHOUSE IN WHICH THE JUDGE IS SITTING OR ON THEIR CLERK OR ON THE COURT EXECUTIVE OFFICER?

**SYNOPSIS**

*Existing law provides procedures that a party seeking to disqualify a judge who is assigned to preside over a matter must follow, including personally serving a written statement outlining the objectionable facts on the judge in question. However, existing law is arguably ambiguous as to where that service can occur and provides room for interpretation that a party may comply with the service requirement somewhere other than the judge's workplace. While many parties may complete service away from the courthouse without any ill-effect on the judge in question, considering the increase of threats on judicial officers in the last few years, there is an understandable desire to limit such service when alternatives are equally as effective. This modest measure clarifies that a party seeking to disqualify a judge must serve the requisite written statement on the judge during regular business hours at the courthouse. In the event the judge is unavailable to accept service, the bill also authorizes service on the judge's clerk or the court executive officer. This bill is sponsored by the California Judges Association. There is no other known support or opposition.*

**SUMMARY:** Requires a party petitioning for a judge's recusal to personally serve the required written verified statement objecting to the judge hearing the matter on the judge during regular business hours at the courthouse in which the judge is sitting, or on their clerk or on the court executive officer.

**EXISTING LAW:**

- 1) Establishes standards for when a judge must be disqualified, or recused, from presiding over a proceeding. (Code of Civil Procedure (CCP) Section 170.1. All further references are to the Code of Civil Procedure.)
- 2) Establishes guidelines for judges who opt to recuse themselves from presiding over a proceeding. (Section 170.3 (b).)
- 3) Authorizes any party to file a written verified statement objecting to the hearing or trial before a judge who should disqualify themselves and refuses to do so. Requires the statement to be presented at the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification and requires copies of the statement to be served on each party or their attorney who has appeared. (Section 170.3 (c).)

- 4) Requires the statement to be personally served on the judge alleged to be disqualified, or on their clerk, provided that the judge is present in the courthouse or in chambers. (Section 170.3 (c).)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** On March 23, 2026, in her speech before both houses of the Legislature for the annual State of the Judiciary, Chief Justice of the California Supreme Court Patricia Guerrero called the Legislature to action on the issue of judicial security. The Chief Justice made a plea for “resources to protect ‘personnel, the public and court systems from physical, online, and cyber threats.’” Her statements further called for legislation “designed to protect the privacy of judges – an issue that is fundamentally intertwined with judicial security.”

“A marked increase in negative rhetoric surrounding judges, including comments from elected officials, has contributed to these concerns. We welcome public scrutiny, transparency, and accountability regarding the legal reasoning reflected in our rulings. Public engagement, whether resulting in praise or criticism for our decisions, is commendable and should be encouraged. We do not, however, welcome divisive name-calling or inaccurate and uninformed accounts about our roles – this serves only to distort the public’s understanding of the judiciary and shake their confidence in our democracy. And we should emphatically speak out against the normalization of personal attacks against judges – for all our sakes.”

These comments come after several years of increased violence targeted at judicial officers. In 2023, Washington County Circuit Court Judge Andrew Wilkinson was killed outside of his home. Just hours earlier, Judge Wilkinson had awarded sole custody of the alleged shooter’s children to their mother. (*Suspect in killing of a Maryland judge who presided over divorce case is found dead*, (Oct 26, 2023) The Associated Press available at: <https://www.npr.org/2023/10/26/1208828822/maryland-judge-suspect-found-dead-divorce>.) In 2020, New Jersey District Court Judge Esther Salas’ son and husband were shot in their home. Judge Salas’ husband survived, but her son later succumbed to his injuries. The alleged shooter, who was later found dead in an apparent suicide, was a self-proclaimed anti-feminist lawyer who had recently lost a case before Judge Salas. (Meredith Deliso, *Suspected gunman who killed Judge Esther Salas’ son disparaged her as a Latina* (July 21, 2020) ABC News available at: <https://abcnews.com/US/suspect-deadly-shooting-called-federal-judge-esther-salas/story?id=71901734>.) Just last year, Judge Salas detailed how a rise in threats against judges have included a practice in perceived threats against judges by sending pizzas to judges and their families using her son’s name: “They’re weaponizing my child’s name to really impact fear on judges all throughout this country.” In 2025, the Global Project Against Hate and Extremism reported threats and calls for impeachment against judges have risen by 327% in just one year between May 2024 and March 2025. (Transcript from interview with Amna Nawaz, *“Lives are at stake”: Judge whose son was murdered urges leaders to end hostile rhetoric* (May 15, 2025) PBS News available at: <https://www.pbs.org/newshour/show/lives-are-at-stake-judge-whose-son-was-murdered-urges-leaders-to-end-hostile-rhetoric>.)

**Judicial recusals.** Judicial officers have an undeniably public-facing role and often preside over highly sensitive and emotional proceedings. Inevitably in every case, at least one party leaves disappointed and, often enough, angry or upset. This sometimes puts judges in precarious positions, particularly where the law requires additional opportunity for disgruntled parties to come into closer contact with the judicial officer. One such example is in the context of judicial

recusals. Existing law establishes certain circumstances where a judicial officer is disqualified from presiding over a proceeding, such as where the judge has personal knowledge of disputed facts or holds a familial relationship with a party or witness; if they previously served as a lawyer in the proceeding; or if they have a financial interest in the subject of the proceeding. (Code of Civil Procedure Section 170.1 (a).) A judge may also decide to recuse themselves for any reason if they believe the recusal would further the interests of justice, there is a substantial doubt as to their capacity to be impartial, or a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial. (*Id.*)

The Code of Civil Procedure also provides guidelines for addressing circumstances when a party feels a judge cannot be impartial based on any of the same grounds but the judge has not recused themselves. Section 170.3 (c) authorizes any party to file a written verified statement which sets out the alleged grounds for the disqualification, also referred to as a judicial disqualification statement, objecting to the hearing or trial with the clerk ahead of the proceeding. The party is required to present the statement “at the earliest practicable opportunity after discovery of facts constituting the ground for disqualification,” and must serve the statement on each party and “personally served on the judge alleged to be disqualified, or on his or her clerk, provided that the judge is present in the courthouse or in chambers.” (Section 170.3 (c).) While the language seems to direct parties to serve the judge at the courthouse, and that would seemingly be the most convenient location for service, there does appear to be some ambiguity insofar as the language qualifies service on the judge or their clerk *provided that the judge is present in the courthouse or in chambers*. There does, therefore, seem to be room to interpret the language to allow service on the judge away from the courthouse, for example in their home. According to the author:

Violence and threats against judges have risen sharply, with thousands of incidents reported in recent years and a dramatic increase since 2015, leaving many judges and their families fearing for their safety. At the same time, judicial officers’ home addresses remain easily accessible through public records and online databases, creating a direct pathway for bad actors to locate them and their families.

Assembly Bill 2262 provides targeted procedural clarity in the law of judicial safety. This bill clarifies the service requirements for judicial disqualification motions alleging bias. Judges act in their official capacity when presiding over cases, and allegations related to their judicial conduct should be served in that official capacity. AB 2262 therefore requires personal service of a CCP 170.1 and 170.3 motions during regular business hours at the courthouse where the judge is sitting, rather than at a judge’s home.

***This bill*** seeks to remove any ambiguity over where service for a request for recusal may be served on a judge by specifying that personal service of the statement on the judge *must* occur during regular business hours at the courthouse in which the judge is sitting, or on their clerk or the court executive officer. This effectively limits any opportunity for a party, disgruntled or otherwise, seeking a judge’s recusal to approach them in their home or generally away from their workplace while also offering an alternative should the judge be unavailable in the courtroom. Considering the paperwork to be served deals with the judge’s professional capacity, limiting service to occur at the courthouse seems reasonable.

***ARGUMENTS IN SUPPORT:*** This bill is sponsored by the California Judges Association. They submit the following:

The bill is part of a larger discussion about judicial security, in the wake of the murder of a judge in his driveway in one state, and the murder of the son of a judge in their home in another. As part of their core function under the rule of law, judges are called upon to make decisions with very consequential impacts on litigants, including lengthy criminal sentences, child custody, and much more. Specific, credible criminal threats against judges are unfortunately all too common.

Because motions to disqualify judges relate solely to the judge's official duties, AB 2262 merely specifies that service of these motions should occur at the courthouse, either to the judge or to the court executive officer. The bill thus eliminates unnecessary interaction with judges in their homes, while fully preserving due process for all concerned.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Judges Association (sponsor)

**Opposition**

None on file

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334