

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2262 (Michelle Rodriguez)
Version: March 24, 2026
Hearing Date: June 16, 2026
Fiscal: No
Urgency: No
ME

SUBJECT

Courts: disqualification of judges

DIGEST

This bill requires personal service of a judicial disqualification statement to take place at the courthouse where the judge is sitting. Service must occur during regular business hours. The bill also permits service on the judge's clerk or the court executive officer if the judicial officer is present in the courthouse or in chambers.

EXECUTIVE SUMMARY

Existing law provides procedures by which a judge disqualifies themselves from a case. However, if the judge who should disqualify themselves refuses or fails to do so then a party to the action may file a written verified statement objecting to the hearing or trial before the judge. Copies of the statement must be served on each party and must be personally served on the judge who is alleged to be disqualified. The statement can be personally served on the judge's clerk if the judge is present in the courthouse or in the chambers. Under existing law judges may be served at their residences.

The author brings this bill in an effort to protect judges from potential violence at their residences. The bill requires the statement to be served at the courthouse where the judge who is alleged to be disqualified is sitting during regular business hours. The bill allows service of the statement on the court executive officer in addition to the clerk as long as the judge is present in the courthouse or in chambers.

This bill is sponsored by the California Judges Association. There is no known opposition to the bill. Should the bill pass out of this Committee, it will then move to the Senate Floor.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that if a judge determines themselves to be disqualified from a case, the judge shall notify the presiding judge of the court of their recusal and shall not further participate in the proceeding, as specified. (Code Civ. Proc. § 170.3 (a).)
- 2) Provides that if a judge who should disqualify themselves from a case refuses or fails to do so, any party may file with the clerk a written verified statement objecting to the hearing or trial before the judge and setting forth the facts constituting the grounds for disqualification of the judge. (Code Civ. Proc. § 170.3 (c) (1).)
- 3) Provides that the above statement shall be presented at the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification. (Code Civ. Proc. § 170.3 (c) (1).)
- 4) Specifies that copies of the statement shall be served on each party or their attorney who has appeared and shall 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. (Code Civ. Proc. § 170.3 (c) (1).)

This bill specifies that a copy of the statement shall be personally served during regular business hours on the judge alleged to be disqualified from the case at the courthouse in which the judge is sitting, or on their clerk or on the court executive officer, provided that the judge is present in the courthouse or in chambers.

COMMENTS

1. Protects judges from personal service of disqualification motions at their homes

The Code of Civil Procedure sets forth circumstances under which a judge is disqualified from a case. For example, a judge is disqualified if they have a financial interest in the proceeding or they have a familial relationship with a party to the proceeding. A judge may also recuse themselves under specified circumstances. Under current law, if a judge who should disqualify themselves from a case refuses or fails to do so, any party may file a written verified statement objecting to the hearing or trial before the judge and setting forth the facts constituting the grounds for disqualification of the judge. This written verified statement must be filed with the clerk at the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification. Under existing law, copies of the statement shall be served on each party or their attorney who has appeared and shall 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. Current law is written in such a way that a judge could be

served outside of the courthouse and possibly at their own home. This bill makes it clear that a copy of the statement shall be personally served on the judge alleged to be disqualified during regular business hours at the courthouse in which the judge is sitting, or served on their clerk or on the court executive officer as long as the judge is present in the courthouse or in chambers. This change ensures that the service on the judge does not take place at the judge's home or outside of regular business hours.

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.

3. Support

The California Judges Association, sponsors of the bill, explain:

AB 2262 is a narrow, technical measure relating to service of process of motions to disqualify judges in court proceedings. Notably, the bill makes no changes whatsoever to the substantive issue of disqualification, instead focusing narrowly on how judges are served with disqualification motions.

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.

SUPPORT

California Judges Association (sponsor)

OPPOSITION

None Known

RELATED LEGISLATION

Pending Legislation: AB 2235 (Pacheco, 2026) enacts the Judicial Home Security Act to allow judicial officers to apply to the Attorney General to have an alternate mailing address instead of their home address in public records. AB 2235 is currently in the Senate Rules Committee.

Prior Legislation: None known.

PRIOR VOTES:

Assembly Floor (Ayes 73, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
