COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twentieth day of September , in the year two thousand and ten :

present,

HON. MARGARET H. MARSHALL	)	
	)	
HON. RODERICK L. IRELAND	)	
	)	
HON. FRANCIS X. SPINA	)	Justices
	)	
HON. JUDITH A. COWIN	)	
	)	
HON. ROBERT J. CORDY	)	
	)	
HON. MARGOT BOTSFORD	)	
	)	
HON. RALPH D. GANTS	)	

ORDERED: That Chapter One of the Rules of the Supreme Judicial Court is hereby amended as follows:

Rule 1:22 By inserting the new Rule 1:22 attached hereto.

The amendments accomplished by this order shall take effect on November 1, 2010.

MARGARET H. MARSHALL)
)
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RODERICK L. IRELAND)
)
)
FRANCIS X. SPINA)
) Justices
)
JUDITH A. COWIN)
)
)
ROBERT J. CORDY)
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)
MARGOT BOTSFORD)
)
)
RALPH D. GANTS)

S.J.C. Rule 1:22. Motions to Recuse

(a) Any motion seeking to recuse a Justice of this court from a full court case shall be in writing, and shall comply in all respects with Mass. R. A. P. 15 (a). The motion shall be filed at or before the time for filing the moving party's brief. The court may allow the filing of a motion to recuse after the filing of the brief if the motion is based on grounds not known, and that reasonably could not have been known, at the time the brief was filed, and provided that the motion is filed as soon as practicable after the alleged ground for recusal becomes known. Late filed motions are strongly discouraged.

(b) If the motion is denied by the Justice whose recusal is sought, the moving party may request review of that ruling by the other Justices, by filing with the clerk, within seven days of the ruling, a written request for review. To facilitate this review, a Justice who denies a motion to recuse is encouraged to provide a brief statement of his or her reasons for the ruling.

The review shall be on the papers, and limited to the information that was before the Justice whose recusal was sought, unless the court requests further information. A party requesting review shall therefore file, along with the request for review, eight copies of the motion to recuse and all material related to the motion that was before the Justice initially, including any supporting or opposing memoranda and affidavits. The Justices reviewing the ruling will act as soon as practicable, and, time permitting, before oral argument or submission of the case on briefs.

(c) This rule applies only to full court cases. Recusal rulings in single justice cases are, and will continue to be, reviewable in the regular course on appeal from any adverse final judgment in the single justice case.

(d) Nothing in this rule is intended to change the substantive law governing recusals.