

Rule 63. Judge's or Magistrate Judge's Inability to Proceed

If a judge or magistrate judge conducting a hearing or trial is unable to proceed, any other judge or magistrate judge (if authorized by law) 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 or magistrate 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 or magistrate judge may also recall any other witness.

COMMENT TO 2017 AMENDMENTS

This rule is identical to *Federal Rule of Civil Procedure 63*, as amended in 2007, except for the addition of "magistrate judge."