

Rule 25. Judge's or Magistrate Judge's Disability

(a) During Trial. Any judge regularly sitting in or assigned to the court may complete a jury trial if:

(1) the judge before whom the trial began cannot proceed because of death, sickness, or other disability; and

(2) the judge completing the trial certifies familiarity with the trial record.

(b) After a Verdict or Finding of Guilty.

(1) In General. After a verdict or finding of guilty, any judge or magistrate judge (if authorized by law) regularly sitting in or assigned to the court may complete the court's duties if the judge or magistrate judge who presided at trial cannot perform those duties because of absence, death, sickness, or other disability.

(2) Granting a New Trial. The successor judge or magistrate judge may grant a new trial if satisfied that:

(A) a judge or magistrate judge other than the one who presided at the trial cannot perform the post-trial duties; or

(B) a new trial is necessary for some other reason.

COMMENT TO 2016 AMENDMENTS

This rule has been redrafted to conform to the general restyling of the federal rules in 2002. It is identical to the federal rule, except for references to "judge" and "magistrate judge" instead of the term "judge" in the title and in paragraph (b) to make the rule applicable to magistrate judges. The parenthetical "if authorized by law" reflects that a magistrate judge's authority to act is limited by statute and rule.