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Charles L. Babcock
Chair, Supreme Court Advisory Committee
1100 Louisiana Street, Suite 4200
Houston, TX 77002


Dear Mr. Babcock,

I have reviewed the recusal rule proposal which you telefaxed to me, and I have three items which I would point out to you.

- (1) The proposed rule remains somewhat ambiguous as to whether the tertiary recusal rule is applicable against a single judge or applicable to a law suit in general, as is pointed out in note 22 on page 5 of the proposed rule. This problem can be resolved by deleting the phrase "against a judge" on that same page in part (d)(4)(a). Note that phrase has already been deleted in section (d)(11)(b) on page 7.
- (2) I could not find where present Rule 18b(6) is incorporated into the proposed rule. [Please note that the present rule has an error in that the reference to paragraph (2)(f)(iii) is incorrect and should probably reference (2)(f)(ii).]
- (3) This is being picky, but the phrase on page 3 in part (d)(1) which reads "an unverified motion may be ignored" does not sound to me like language in a rule or statute, as opposed to language such as "an unverified motion is void" or "an unverified motion shall not be ruled upon."

Please let me know if I may be of any other assistance.

Sincerely,


Chris Harris

