

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

GUSTAVE J. LABARRE, JR.

NO. 2014 CW 1739

VERSUS

OCCIDENTAL CHEMICAL COMPANY
AND TEXAS BRINE COMPANY, LLC

JAN 23 2015

In Re: Liberty Insurance Underwriters, Inc., applying for supervisory writs, 23rd Judicial District Court, Parish of Assumption, No. 33796.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.


WRIT GRANTED. MOTION FOR STAY DENIED AS MOOT. The district court's judgment of November 6, 2014, denying Liberty Insurance Underwriters Inc.'s motion to recuse is hereby reversed, and judgment is entered granting the motion to recuse Judge Alvin Turner. We find that Travis J. Turner is employed as an attorney in the cause before Judge Turner, which is a ground for mandatory recusal. La. Code Civ. P. art. 151(A)(3). Moreover, we find that Travis J. Turner's participation in the matter thus far is substantial enough such that his withdrawal from the matter will not cure the ground for recusal. **In re Aetna Casualty and Surety Company**, 919 F.2d 1136 (6th Cir. 1990). We also note that a judge should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned. See Canon 3(C) of the Code of Judicial Conduct; **Folse v. Transocean Offshore USA, Inc.**, 2004-1069 (La. 5/7/04), 872 So.2d 467. Therefore, this case is remanded to the district court for reallocation of this matter to another Division.

PMc

Whipple, C.J., concurs. In so ruling, we express no opinion at this time as to whether the timing of the attorney's enrollment mandates other action against any party herein, given that his enrollment at the later stage of these proceedings has apparently generated the conflict mandating recusal of the judge. Thus, the rights of any party to seek further action on this basis is reserved to the parties. **Grabowski v. Smith & Nephew, Inc.**, 2013-1409, 2014-433 (La. App. 3d Cir. 10/1/14), 149 So.3d 899, 906-07.

Higginbotham, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT