



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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Recusal Rules for Agency Adjudicators

What are recusal rules?

Many agencies have adopted rules that address the “voluntary or involuntary withdrawal of an adjudicator from a particular proceeding.” Such recusal rules provide “an important tool for maintaining the integrity of adjudication.” ACUS Rec. 2018-4.

What recusal rules have agencies adopted?

In a forthcoming report for ACUS, Professor Louis Virelli identifies adjudicator recusal rules and classifies them according to the substance of their guidance to adjudicators.

Impartiality rules contain a requirement that adjudicators conduct “impartial” hearings.

Discretionary rules permit/require adjudicators to recuse themselves when they deem it necessary.

Conflict of Interest rules address instances in which an adjudicator has a professional or family relationship with a participant.

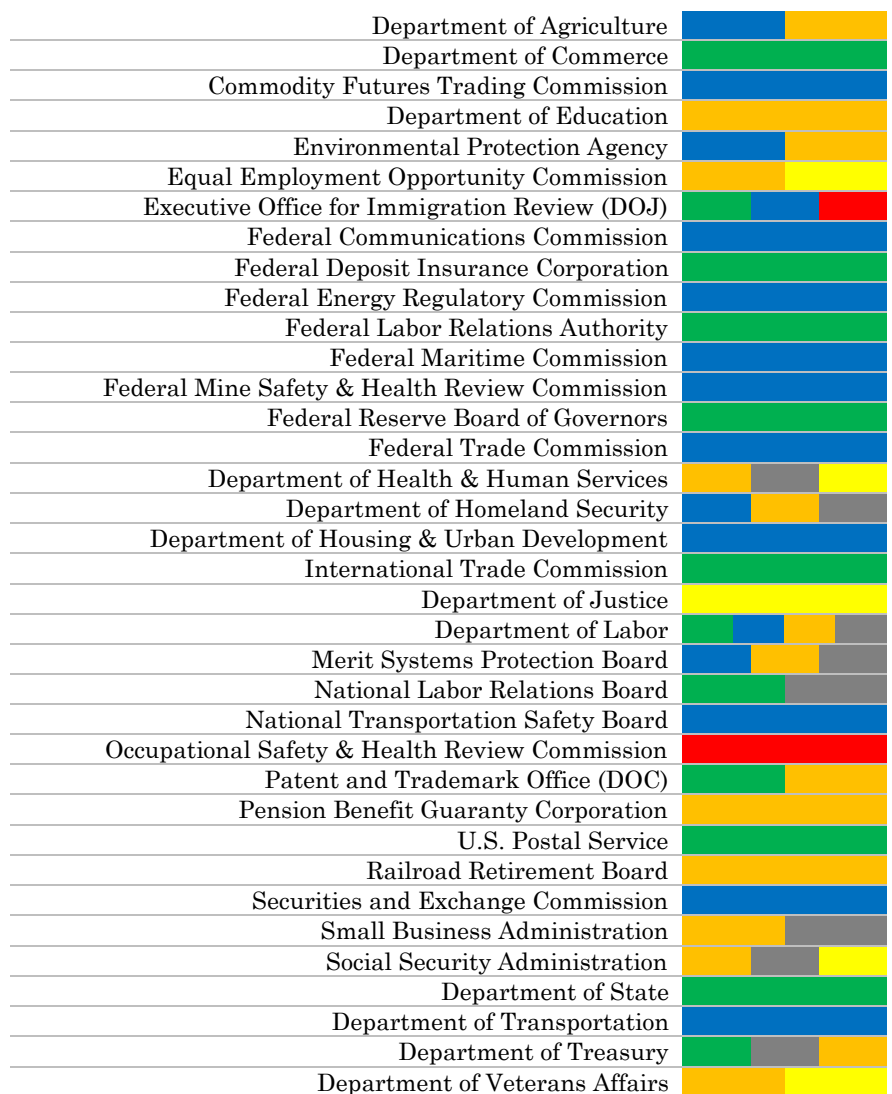
Personal Bias rules address instances in which adjudicators may have views or feelings in favor of or against a participant.

Appearance of Impartiality rules address instances in which an adjudicator’s involvement may create the appearance of partiality.

Quasi-Judicial rules incorporate federal court recusal standards or encourage adjudicators to consider them as guidance.

Which agencies use which categories of rules?

This graphic below is based on information in Professor Virelli’s forthcoming report to ACUS. The report documents additional agencies not included below.



Additional Resources

ACUS Rec. [2018-4](#), *Recusal Rules for Administrative Adjudicators*
 Louis J. Virelli III, [Recusal Rules for Administrative Adjudicators](#) (2018)
 Louis J. Virelli III, [Administrative Recusal Rules: A Taxonomy of Existing Recusal Standards for Agency Adjudicators](#) (forthcoming 2020)