

Carl Bernofsky, Ph.D.
109 Southfield Road Apt. 51
Shreveport, LA 71105

April 28, 2006

The Honorable F. James Sensenbrenner, Jr.
2449 Rayburn House Office Building
Washington, D.C. 20515

Re: Amending the Recusal Law

Dear Member of the House Judiciary Committee:

The public's growing dissatisfaction with judicial conflict of interest, abuse of authority and the lack of meaningful accountability can no longer be ignored by the legislature. These concerns require serious attention and corrective action.

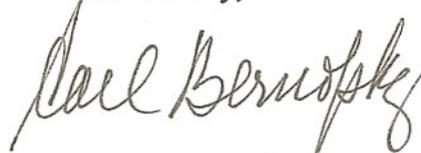
The enclosed proposal is an important step toward reform. It deals with the issue of judicial fairness and is non-partisan.

The proposal amends the existing recusal statute to make it conform to a canon of the Judicial Conference (enclosed) that guides but does not compel the conduct of judges. The amendment would prevent judges who are faculty members at academic institutions from adjudicating cases in which those institutions are a party. The canon that forbids this is widely abused and should be raised to the level of statute to give it the force of law.

A petition that contains the names of more than 200 citizens from across the country who support the need for this amendment is enclosed. The petition, with comments, can also be seen at <http://www.ipetitions.com/campaigns/tulanelink>.

I strongly urge you to sponsor and/or support this proposal. It will codify the intent of the Judicial Conference and help to achieve the goal of equal justice under the law that the public expects and demands.

Yours truly,



Carl Bernofsky
Tel: (318) 869-3871

Encl: Canon on Law School Teaching
Petition
28 USC Sec. 455, Amended

Canon on Law School Teaching

Guide to Judiciary Policies and Procedures,
Vol. II, Chap. V (reissued 6/15/99)

§ 3.4-3(a) A judge who teaches at a law school should recuse from all cases involving that educational institution as party. The judge should recuse (or remit) from cases involving the university, as well as those involving the law school, where the judge's impartiality might reasonably be questioned in view of the size and cohesiveness of the university, the degree of independence of the law school, the nature of the case, and related factors. Similar factors govern recusal of judges serving on a university advisory board.

Amending the Judicial Recusal Law (28 USC Sec. 455)

This petition seeks to prevent judges who are faculty members at academic institutions from adjudicating cases in which those institutions are a party.

BACKGROUND

A federal judge taught at a university, was a board member of one of its research centers, received \$5,500 to teach a summer course at a resort location in Greece, and presided over a series of lawsuits against that same university during the same period while never disclosing her association with it. The cases against the university were dismissed without being tried on the merits.

When the judge's connections with the defendant university were independently discovered by the plaintiff and the judge was asked to recuse herself, she responded: "There is no basis for the plaintiff's suggestion that [my] impartiality might reasonably be questioned by virtue of these . . . circumstances under 28 U.S.C. Sec. 455." Subsequent complaints of judicial misconduct and appeals to compel the judge's recusal were similarly dismissed.

Those events are from the case of *Carl Bernofsky v. Administrators of the Tulane Educational Fund*, Civil Action Nos. 95-358, 98-1557, 98-1792, and 98-2102, filed in Federal District Court for the Eastern District of Louisiana, the Honorable Helen Ginger Berrigan presiding.

The above example is not unique. Throughout the country, judges who are associated with universities are routinely called upon to adjudicate cases in which those universities are defendants in lawsuits.

The relevant canon of the Judicial Conference that regulates judicial conduct in the above situation states, in pertinent part: "A judge who teaches at a law school should recuse from all cases involving that educational institution. The judge should recuse (or remit) from cases involving the university, as well as those involving the law school..." . . . "Similar factors govern recusal of judges serving on a university advisory board." (Guide to Judiciary Policies and Practices, Vol. II, Chap. V, Sec. 3.4-3(a), reissued 6/15/99).

Unfortunately, that canon does not have the force of law and thus is unenforceable. The present petition seeks to correct this defect by amending the existing recusal statute with language that will compel the recusal of judges from cases that involve the educational institutions at which they teach. The resolution follows.

PETITION

To House and Senate Judiciary Committee Members:

WHEREAS the clear intention of the Judicial Conference regarding judges associated with a university is embodied in a canon published in the Guide to Judiciary Policies and Procedures, Vol. II, Chap. V, Sec. 3.4-3(a), reissued 6/15/99, and

WHEREAS the canon states that judges who teach at a law school or serve on a university advisory board should recuse from cases in which the university is a party, and

WHEREAS the Guide to Judiciary Policies and Procedures is advisory only, and

WHEREAS violation of the canon carries no penalty, and

WHEREAS egregious abuse of this canon has occurred and will continue to occur, and

WHEREAS public confidence in the legal system is based on the expectation of equal justice under the law,

WHEREFORE I join with others to strongly urge you to introduce and/or support the incorporation of Sec. 455(b)(5)(v) into the United States Code, Title 28, Section 455(b), which adds the following phrase to the existing recusal statute: **"Serves as an instructor or on an advisory board of an educational institution that is a party to the proceeding."**

SIGNATORIES

The following individuals have signed their support for this initiative:

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
1	Amitabh	Ghosh	Ann Arbor	MI	31-40	Consultant
2	Clifford	Chamney	Shawnee	KS	61-70	Engineering
3	Barton L.	Warren II	Richland	MO		Medical Doctor
4	Brian C.	Johnson	Augusta	GA	21-30	law student
5	Laura	Butte	New Orleans	LA		
6	Matthew	Toll	New Orleans	LA	21-30	law student
7	Sonnet Bree	Bush	New Orleans	LA	21-30	law student
8	Rachel Alyson	Siskind	New Orleans	LA	21-30	law student
9	Robert Lindsay	Cheney Jr.	Paradise	CA	41-50	Computer Engineer
10	Jerry	Smith	Salem	IL	21-30	unemployed

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
11	Cristina	Rodriguez	Phoenix	AZ	31-40	Travel Agent
12	Kim G.	Reyes	Beaverton	OR	41-50	Realtor
13	Robert E.	Brown	Wilmington	DE	51-60	Merchant
14	Myrtle	Bratton	Somerset	KY	41-50	Housewife
15	BERNICE L.	BROUSSARD	ABBEVILLE	LA	61-70	ABTRACTER
16	Paul	Leodhas	Berkley	CA		
17	FRANK	ARCERI	SLIDELL	LA	61-70	INSURANCE BROKER
18	Joyce	Patterson-Beggs	Hampton	VA		Pro se for Family
19	Lisa	Brown	Palmyra	NJ		
20	Laura	Govan	New York	NY		
21	Dana	Daniels	Fouke	AR	31-40	Self-Employed
22	Maria L.	Costell Gaydos	Montclair	NJ		Dr. in Industrial Chemistry
23	Longinus	Yen	Queens	NY	51-60	N/A
24	Lloyd	Madrid	Gallup	NM	31-40	Student
25	Charles	Heckman	Olympia	WA	51-60	Biologist
26	Nora	Gilbertson	Minneapolis	MN	21-30	
27	George Edward	McDermott	Forest Heights	MD	51-60	Advocate for Justice
28	Linda	Fogh	Issaquah	WA		Copy/Print Specialist
29	Marsha L.	McClelland	Cuyahoga Falls	OH	41-50	Too complex at this time to say
30	Afaf	Kanazeh	Vienna	VA	61-70	Disabled
31	Shirley	Stone	Peoria	AZ	51-60	Business Owner
32	Dorothy	Buchanan	Coahoma	TX	51-60	Housewife
33	SHELLY	BRYANT	LITHONIA	GA	31-40	
34	Lisa	Peterson	Clearwater	FL	31-40	
35	Genia	Jarrett	Stockbridge	GA	31-40	Medical Administrator
36	Rebecca	Martyniak	Pitman	NJ		
37	Carrie	Armstrong	Huntington	MA	21-30	
38	Mark	Wetzel	Pitman	NJ		
39	Amanda	Taylor	Albany	GA	18-20	Student/Social Activist
40	L.	McCraney	Silverton	OR		FAMILY ADVOCATE
41	Linda	Millares	New Orleans	LA	18-20	Student
42	Suzi	Rine	Springfield	VA		
43	Robert O.	Birdwell	Vancouver	WA	51-60	Former real estate developer
44	Christina	Schmidt	Alabaster	AL	18-20	student
45	Renee	Gossen	Charlotte	NC	51-60	
46	Stephen A.	Miller	Bloomfield	CT	51-60	Consultant/Investigator

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
47	Ron	Branson	Los Angeles	CA		Minister
48	Audra	Patzin	Bellflower	CA	31-40	Research
49	Brian	Vukadinovich	Wheatfield	IN	41-50	Teacher
50	Joan Crosby	Tibbetts	Annandale	VA	61-70	Executive
51	William	Stafford	New Orleans	LA	18-20	Student
52	Tanya	Baker	Santa Cruz	CA	41-50	Jewelry Maker
53	D. A.	Sturman	New York	NY		
54	Michael	Dowdy	Rolla	MO	41-50	Educator
55	Michael C.	Paris	Tulsa	OK	41-50	Consultant
56	Emily	Garner	Sparrow Bush	NY	21-30	Law Student
57	Dwight T.	Beazley	Long Beach	CA	51-60	Investment Banker
58	LaDonna June	Paris	Tulsa	OK	51-60	retired
59	Ira	Wolinsky	Houston	TX		
60	Douglas A.	Schafer	Tacoma	WA	51-60	Attorney
61	Orr Allen	Kellogg	Los Osos	CA	41-50	Truck Driver
62	Heather	Williams	Auburn	WA	21-30	Homemaker
63	John	Swartz	Elkhart	IN	31-40	Network Support
64	Cliff	Autin	River Ridge	LA	41-50	IT Consultant
65	Kevin	Wiatrowski	Colorado Springs	CO	21-30	Software Engineer
66	Frank J.	Chizmar	Newport	VT	41-50	Disabled
67	Mary F.	Coronis	Monroe	LA	31-40	Radiologic Technologist
68	ANDREW	HAMILL	ST LOUIS	MO	21-30	
69	Stephen Gregory	Butler	Norman	OK	21-30	Student
70	Joseph S.	Norman II	Tallahassee	FL	51-60	Retired Airline Pilot
71	Rosalind F.	Norman	Tallahassee	FL	51-60	Property Appraiser
72	Juanita	Butler	Tulsa	OK	51-60	Manager
73	Dana	Lee	Hunter AAF	GA		
74	Santos A.	Borrego	Fremont	CA	41-50	Laser Test Engineer
75	Eino	Salminen	Lancaster	NY	80+	Retired
76	Chester	Chalupowski	Beverly	MA	41-50	Judicial Reform
77	Margaret	Nabialczyk	Beverly	MA	41-50	Physician
78	Deborah	Fields	Chicago	IL	41-50	Management
79	Marilynn	McCollum	Willoughby	OH	51-60	Administrative Coordinator
80	Debi	Pieraccini	Aberdeen	WA		Hairstylist
81	Marie	Kellow	Grand Rapids	MI	31-40	RN
82	Dinda	Evans	San Diego	FL	51-60	Teacher

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
83	Terri Jo	Bolsinger	Welcome	MN	41-50	Disabled
84	Doris L.	Sassower	White Plains	NY	61-70	
85	F. Dannielle	Mennom	Bakersfield	CA	21-30	Disabled
86	Donna	Romero	Lincoln	NE	41-50	Nurse
87	Douglas A.	Olvey	Longwood	FL	51-60	Business owner
88	Dennis	Grandinetti	Farmington	IA	51-60	Self
89	Vernon J. M.	Johnson	Peoria	IL	41-50	Counselor
90	Vic	Cloutie	Las Vegas	NV		law med research
91	Victoria	Elliott	Las Vegas	NV		
92	Mamie	Moody	Baxley	GA	31-40	Farmer
93	Karrie	Sandfort	New Bloomfield	MO	31-40	
94	Kathryn	Simrau	Brainerd	MN		
95	Robert G.	Lasheff	Waukegan	IL	51-60	REFORM ADVOCATE
96	Erin	McCulley	Huntsville	AL	18-20	Student
97	D. J.	Ownbey	Broadview Heights	OH	31-40	Real Estate
98	Aria	Freeman	Seattle	WA	31-40	Non Profit Director
99	Grace M.	John	Nanticoke	PA	51-60	Judicial Reform Advocate
100	Sherrone	Burleson	Oklahoma City	OK	41-50	Photographer
101	Buzz	C.	Lake City	FL	41-50	Retired Disabled Veteran
102	Frank	Chizmar	Newport	VT	41-50	Educator
103	Mark	Hobratschk	Denver	CO		
104	Juli T.	Star-Alexander	Las Vegas	NV	41-50	Social Activist/Minister
105	Andrea	Jones	Oviedo	FL		
106	valerie	zukin	new orleans	LA	20-29	law student
107	Lena	Giangrosso	New Orleans	LA	30-39	Student
108	Theresa	Goulde	New Orleans	LA		
109	James	O'Connell	New Orleans	LA	20-29	Law Student
110	Oscar	Hinojosa	Metairie	LA	60-69	Retired
111	Karen	Enamorado	Kenner	LA	30-39	Business Administrator
112	Walter	Johnson	D.C	VA	40-49	Legal
113	John M.	Lee	New Haven	CT	20-29	Attorney
114	Katie	Wanous	Stanfield	OR	18-19	Student
115	Perry	Schoneboom	Bronson	MI	40-49	
116	Barbara	Knowles	Tallahassee	FL	60-69	retired
117	Gregory	Davidson	Golden	CO		
118	Thomas	LeClair	Gilsum	NH	50-59	social worker

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
119	Philip	Crane	Orange Park	FL	50-59	retired restaurantuer
120	Phyllis	Dupont	Walker	LA	20-29	Housewife/Mother of 3
121	Mac	McElhannon	Hammond	LA	40-49	business owner
122	don	holness	elmont	NY	40-49	
123	Nora	Goertz	Arabi	LA	40-49	Retired Secretary/Housewife
124	Jennifer	Medina	wappingers falls	NY	30-39	Customer Service
125	Shelly	Dann	Spring	TX	40-49	Court Reporter
126	William B.	McGarvin	Bridgeton	MO	60-69	Machinest
127	henry	fischer	yuciapa	CA	40-49	
128	Mark	Reznik	Sudbury	MA	60-69	Mathematician
129	carol	johnson	Modena	UT	50-59	Retired
130	Wa****	(Name Withheld)	withheld	VA	60-69	Judge
131	Verlaine	Hirsch	New Orleans	LA	60-69	retired
132	Mark	Adams	Valrico	FL	40-49	attorney
133	Ron	J	Falls Church	VA	30-39	Systems Architect
134	DEWEY	BOUDREAUX	BATON ROUGE	LA	40-49	ROOFING CONTRACTOR
135	henry	ward	west palm beach	FL	70-79	news reporter and news analyst
136	Michael	McGurl	Glasgow	KY	50-59	Paramedic
137	Leon	Borowski	Versailles	MO	60-69	retired
138	Delbert	Overton	Bonita Springs	FL	70-79	Retired Manufacturing Management
139	DONNA	BIRD	APOPKA	FL	40-49	Self Employed
140	Arthur	Asbury	Nashville	TN	60-69	Public Advocate
141	Edward	Lupo	Houston	TX	60-69	Retired
142	william	pane	albuquerque	NM	60-69	retired
143	Jane	Gajewski	Elmhurst	IL	40-49	Pro Se / Disabled
144	Eileen	Hanson	Lafayette	LA	40-49	
146	Barbara S.	Hedlund	Urbana	IL	50-59	Prof. Musician and Business Owner
147	Larry	Besser	Eaton	IN		Toolmaker
148	Lyons	Tracy	Murrieta	CA	40-49	Home Schooling Teacher
149	Loni	Brown	Brookwood	AL	60-69	Retired
150	William Clay	Kirby	New Orleans	LA	20-29	Tulane Engineering Student
151	Anthony	Radler	New Orleans	LA	20-29	Student
152	Beverly	Lanfear	Palacios	TX	40-49	Self-Employed
153	william	opfel	mesa	AZ	50-59	geologist
154	Theresa	Martin	Port Richey	FL	40-49	Technician
155	Edna	Higgins	Concordia	KS	40-49	

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
156	Joseph	Mc Neese III	Calhoun	LA	50-59	cable lineman
157	MaryAnne	Schultze	Chicago	IL	50-59	Tax Accountant
158	John	Bowie	Livonia	MI	40-49	formerly self-employed
159	Mark	Adams	Valrico	FL	40-49	Attorney
160	Cheryl	Dupre	Austin	TX	50-59	Nurse
161	Ann	Lamirand	Mishawaka	IN	30-39	home maker
162	Martha	Johnston	Marietta	GA	50-59	student
163	Micaela	Benjamin	St. Paul	MN	50-59	
164	Freddie	Sexton	ST. Augustine	FL	40-49	Auto body tech.
165	Dianna	Sexton	ST. Augustine	FL	40-49	Housewife
166	Aliene	Clark	Valentine	NE	50-59	
167	Paul	Clark	Cibola	AZ	50-59	retired
168	lisa	eastwood	rialto	CA	30-39	not relative
169	Charles	Crane	Grants Pass	OR		
170	S	Wells	Jacksonville	FL	40-49	Jewelry Maker
171	Angela	Stark	Culver City	CA	50-59	Other
172	Daniel	Dick	Fresno	CA	50-59	
173	Nancy	Crisman	Springfield	VA	40-49	Registered Nurse
174	William	Jordan	Albuquerque	NM	60-69	Retired
175	John	Gabor	Virginia Beach	VA	50-59	Sales
176	Wayne	Rodgers	Woodstock	VA	50-59	administration
177	James Renwick	Manship	Norfolk	VA	50-59	Journalist, Historian, Speaker
178	Jerry	O'Neil	Columbia Falls	MT	60-69	Attorney
179	James	Martin	Wilmington	DE	50-59	law and accounting
180	Kevin Patrick	Brady	East Rochester	NY	50-59	Investment Management
181	Janis	Schmidt	Pine Ridge	SD	60-69	artist and teacher
182	Romelle	Winters	Fremont	NH	80+	Writer
183	John	Cavicchi	Miami Beach	FL	50-59	attorney
184	William	Stegmeier	Tea	SD	50-59	Manufacturing
185	thomas	oliver	acushnet	MA	40-49	engineer/model
186	Zena	Crenshaw	Crown Point	IN	40-49	Administrator
187	Rodney	Logal	Crown Point	IN	60-69	Board of Directors
188	Jeff	Biener	Eagle Rock	MO	60-69	physician-writer
189	Mary	Meriam	Eagle Rock	MO	50-59	Poet
190	Nicole	Hadenfeldt	Gaylord	MN	30-39	
191	David E.	Parsons	Denver	CO	70-79	Retired

NO.	FIRST NAME	LAST NAME	CITY	STATE	AGE	OCCUPATION
192	Eugene	Cavicchi	Miami Beach	FL	50-59	Retired, DHS, USCBP
193	Greg	Fischer	Calverton	NY	50-59	Exec
194	Henry	Nicolle	San Buenaventura	CA	60-69	Politician
195	Deirdra	Fleming	Huntsville	AL	40-49	Lawyer
196	Mark	Yannone	Phoenix	AZ		
197	Katherine	Cremmins	Charleston	SC	50-59	Board of Directors, NJCDLP.org
198	Darell	Hott	Clearfield	UT	60-69	US Army Retired Disabled
199	Brett	Kraft	Plymouth	OH	40-49	paralegal
200	Angella	Soileau	Beaumont	TX	30-39	advertising agent
201	Jeffrey	Maehr	Pagosa Springs	CO	50-59	Health care
202	stephanie	carney	266 berry dr	DE	40-49	disabled
203	jerry	ledwith	harrington	DE	50-59	machine operator
204	Jonathon	Moseley	Ashburn	VA	40-49	Attorney
205	RAY	BOYLE	HOOPER	UT	60-69	INVESTOR
206	Belle	Todd	East Rochester	NY	50-59	Analyst
207	David	Gould	Ferndale	WA	40-49	n/a
208	Donald	Kingsley	Syracuse	UT		USN Retired
209	Denis	Kellogg	Alamo	NV	70-79	Retired
210	Lee	Dorman	Pittsburg	MO	60-69	Retired
211	Michael James	Anthony	Boise	ID	50-59	American Citizen
212	Gilbert	Engels	Grosse Pointe Farms	MI	70-79	Retired
213	Jill	Mason	Boise	ID	50-59	Legal Assistant
214	John	Bradley	Auburn	CA	60-69	Director, Justice On Trial
215	Ronald	Reavis	sutter	CA	60-69	retired
216	Kermit	Zahm	Emmett	ID	50-59	Self Employed
217	Diana	Buffington	Zearing	IA	50-59	State Coordinator, CRCTX
218	Helen	Copitka	Roseburg	OR	60-69	
219	Michael	Masuoka	Fairfax	VA	40-49	retired carpenter/karate
220	Walter	Thornton	Banks	ID	60-69	retired
221	Russell	Crawford	Round Rock	TX	50-59	Metal Building Contractor
222	Diane C.	Van Helden	Marshall	NC		
223	River Eyes	n/a	Boise	ID	50-59	Hospice
224	Frank	Cianci	Hudson	FL	70-79	retired
225	Jamie	Jackson	Salem	OR	30-39	
226	Barbara Ann	Jackson	Shreveport	LA	50-59	Writer
227	suzanne	shelton	hill road	ID		

United States Code, Title 28, Section 455

Disqualification of Justice, Judge, or Magistrate

(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or a personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer has been a material witness concerning it;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(v) Serves as an instructor or on an advisory board of an educational institution that is a party to the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section, the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

(2) the degree of relationship is calculated according to the civil law system;

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate shall accept from the parties to the proceeding a waiver of any ground of disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

Taken from: United States Code Annotated, Title 28, Judiciary and Judicial Procedure, West Publishing Co., St. Paul, MN, 1993, Ch. 21, pp. 656-658.