

SUPREME COURT OF KENTUCKY

Appalachian Regional Healthcare, Inc. v. Coleman

239 S.W.3d 49 (Ky. 2007) · No. 2007-SC-000324-MR · Decided November 21, 2007

SUMMARY

The Supreme Court of Kentucky considered whether a writ of prohibition should issue to prevent a circuit judge who had recused himself from reconsidering the recusal order and taking further discretionary action in the underlying medical-negligence case. The court held that the recused judge lacked jurisdiction to reconsider his recusal absent affirmative evidence that the disqualifying conflict no longer existed, and that the Court of Appeals had applied the wrong writ standard. The decision reversed and remanded for entry of a writ of prohibition.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Noble
JURISDICTION	Kentucky
DECIDED	November 21, 2007
DOCKET	2007-SC-000324-MR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appalachian Regional Healthcare appealed as a matter of right from the Kentucky Court of Appeals' denial of its petition for a writ of prohibition. The petition sought to prevent recused Circuit Judge Eddy Coleman from further participating in the underlying medical-negligence and fraud case, including hearing a motion to reconsider his recusal order.
STANDARD OF REVIEW	Jurisdiction is ordinarily reviewed de novo. Whether to issue a writ, after the prerequisites for its availability are established, is within the court's sound discretion.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential
PARTIES	Appalachian Regional Healthcare, Inc. v. Honorable Eddy Coleman, Judge, Circuit Court, Estate of Paul Conner Brewer, by and through Shawn Baker, Administratrix, Shawn Baker, individually

TOPICS

writ of certiorari

appellate procedure

appellate jurisdiction

subject matter jurisdiction

civil procedure

PRACTICE AREAS

civil procedure

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judicial disqualification

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health law

QUESTIONS PRESENTED

1. What standard governs a petition for a writ of prohibition when the lower court is alleged to be acting outside its jurisdiction?
2. Whether a trial judge who has properly recused himself retains jurisdiction to hear and decide a motion seeking reconsideration of the recusal order.
3. Whether the Court of Appeals erred by denying the writ on the ground that an adequate remedy by appeal was available.

HOLDINGS

1. When a lower court is proceeding or is about to proceed outside its jurisdiction, a writ of prohibition may be available upon a showing that there is no remedy through an application to an intermediate court; the existence of an adequate remedy by appeal does not preclude the writ in this jurisdictional class of cases.
2. A judge who has properly recused himself loses discretionary jurisdiction over the case and may not resume substantive participation absent affirmative evidence that the disqualifying conflict no longer exists and no special judge has been appointed.
3. The writ of prohibition was appropriate because Judge Coleman was about to act outside his jurisdiction by hearing the motion to reconsider his recusal order, and the petition had been initiated in the proper court.

KEY QUOTATIONS

“After Hoskins, the existence of an adequate remedy by appeal is merely “a factor for the court to consider in exercising its discretion” in no-jurisdiction writ cases.” (at 53)

“Reconsideration of the recusal order, therefore, is forbidden under Kentucky law as being beyond the jurisdiction of the recused judge.” (at 55)

“Once a judge is properly disqualified and recused, reentry into the case would be proper only upon a showing of affirmative evidence that the conflict no longer exists” (at 55)

FACTUAL BACKGROUND

The underlying case involved medical-negligence and fraud claims brought against Appalachian Regional Healthcare by Shawn Baker individually and on behalf of the estate of her deceased child. Judge Eddy Coleman recused himself after an attorney appearing for Appalachian Regional Healthcare was identified as his brother-in-law, a relationship that was not disputed and fell within Kentucky's statutory disqualification provisions.

Despite the recusal, Judge Coleman set for hearing a motion seeking reconsideration of his recusal order. Appalachian Regional Healthcare sought to prohibit him from taking any further substantive action in the case.

PROCEDURAL HISTORY

The underlying action was filed in Pike Circuit Court. Judge Steven Combs first recused himself because of his relationship to an officer and trustee of Appalachian Regional Healthcare, and the case was transferred to Judge Eddy Coleman. Judge Coleman then recused himself after learning that an appearing attorney was his brother-in-law. The plaintiff moved for reconsideration of the recusal, and Judge Coleman set that motion for hearing. Appalachian Regional Healthcare sought a writ of prohibition in the Court of Appeals, which denied the petition under an erroneous standard requiring no adequate appellate remedy even where the lower court allegedly acted outside its jurisdiction. The Supreme Court reversed and remanded for entry of the writ.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Kentucky Court of Appeals for entry of a writ of prohibition barring Judge Coleman from further substantive participation in the underlying case, including reconsideration of his recusal order, in conformity with the opinion.

CASES CITED

- Bender v. Eaton, 343 S.W.2d 799, 800 (Ky. 1961)
- Buckley v. Wilson, 177 S.W.3d 778, 780 (Ky. 2005)
- Hoskins v. Maricle, 150 S.W.3d 1, 9-10, 18 (Ky. 2004)
- Chamblee v. Rose, 249 S.W.2d 775 (Ky. 1952)
- Middle States Coal Co., Inc. v. Cornett, 584 S.W.2d 593, 594-95 (Ky. App. 1979)
- Grange Mutual Insurance Co. v. Trude, 151 S.W.3d 803, 810 (Ky. 2004)
- Rehm v. Clayton, 132 S.W.3d 864, 866 (Ky. 2004)
- Kentucky Labor Cabinet v. Graham, 43 S.W.3d 247, 251 (Ky. 2001)
- Dotson v. Burchett, 301 Ky. 28, 30, 33-35, 190 S.W.2d 697, 698, 700-701 (1945)
- Wedding v. Lair, 404 S.W.2d 451, 452-53 (Ky. 1966)
- Wade v. Bondurant, 625 S.W.2d 847, 847 (Ky. 1981)
- Russell v. Russell, 11 Ky. L. Rptr. 547, 12 S.W. 709, 710 (Ky. 1889)