

The Supreme Court of the State of Louisiana

THOMAS D. FRYE, ET UX.

No. 2023-C-00317

VS.

RICHARD INGRAM BALLARD, M.D.

IN RE: Richard Ingram Ballard - Applicant Defendant; Applying For Writ Of
Certiorari, Parish of Lincoln, 3rd Judicial District Court Number(s) 59,342, Court of
Appeal, Second Circuit, Number(s) 54,813-CA;

March 14, 2023

Writ application granted. See per curiam.

JDH

JLW

JTG

WJC

PDG

Crichton, J., would deny.
McCallum, J., recused.

Supreme Court of Louisiana
March 14, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-C-0317

THOMAS D. FRYE, et ux.

vs

RICHARD INGRAM BALLARD, M.D.

*On Writ of Certiorari to the Second Circuit Court of Appeal
for the State of Louisiana*

PER CURIAM

Writ granted. “A judge is presumed to be impartial.” **Slaughter v. Bd. of Sup’rs of S. Univ. and Agric. & Mech. Coll.**, 10-1114 (La. App. 1 Cir. 8/2/11), 76 So.3d 465, 471, writ denied, 11-2112 (La. 1/13/12), 77 So.3d 970. In order to justify recusal on the grounds of bias, prejudice, or impartiality on the part of the judge, the claim must be of a substantial nature and based on more than conclusory allegations. **State v. Doleman**, 02-0957 (La. App. 4 Cir. 12/4/02), 835 So.2d 850. The facts presented in this case fail to establish the existence of “a substantial and objective basis that would reasonably be expected to prevent [Judge Hunter] from conducting any aspect of the cause in a fair and impartial manner,” as required under LSA-C.C.P. art. 151. The judgment of the Second Circuit Court of Appeal, which granted the motion to recuse, is therefore reversed. The motion to recuse is denied and this matter is remanded for further proceedings.

REVERSED, RENDERED, and REMANDED.