

# What To Know About Supreme Court's New Recusal Rules

By **Jill Jacobson and Robert Niles-Weed** (March 12, 2026)

In November 2023, the U.S. Supreme Court issued its first code of conduct.[1]

At the time, the court previewed the possibility of devoting additional resources to its processes for identifying potential conflicts of interest, citing automated recusal software employed by lower courts as a potential model. The court explained that "the Chief Justice has directed Court officers to undertake an examination of best practices" in the lower courts, and that the court will "consider whether amendments to its rules on the disclosure obligations of parties and counsel may be advisable."

On Feb. 17, the court made good on that preview by announcing the implementation of software that "run[s] automated recusal checks by comparing the information about parties and attorneys in a case with lists created by each justice's chambers," and adopting revisions to the Rules of the Supreme Court of the United States relating to parties' disclosure obligations.

Effective March 16, the rules impose new disclosure requirements, some of which are already familiar to lower court practitioners, but that every Supreme Court practitioner must now be aware of.

The rule changes appear designed to streamline the court's own review for potential conflicts in the more than 5,000 cases seeking Supreme Court review each year — many of which have complex procedural histories and involve multiple parties.

These rule changes follow a series of late-in-the-day recusals by justices.

For example, in January, Justice Samuel Alito recused himself from *Chevron USA Inc. v. Plaquemines Parish, Louisiana*, just days before oral argument, after belatedly learning that the district court proceedings still included a company in which the justice had a financial interest, as the court explained in a letter to the parties.[2]

Similarly, in 2017, Chief Justice John Roberts recused himself from a patent case, *Life Technologies Corp. v. Promega Corp.*, after the case was argued, on the ground that one of the parties was owned by a company in which the chief justice owned stock.

## The New Rules

As the court explained in issuing its revised rules, "[m]ost of the changes are designed to support operation of newly developed software that will assist in identifying potential conflicts for the Justices." These "revisions impose a number of new requirements upon filers to support the software," which "will serve in addition to existing conflict-checking procedures in chambers."

The revised rules include three major changes.



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First, the court revised various existing disclosure rules to provide that parties must now provide the stock ticker symbols of parties involved in the case. Rule 14, which addresses petitions for certiorari, now requires petitioners to provide not just a "list of all parties to the proceeding," as had previously been required, but to include "their respective stock ticker symbols if any."

Rule 15, addressing briefs in opposition to certiorari, similarly requires respondents to include stock ticker symbols where they are obligated to identify parties to the proceeding. And Rules 24 and 29, addressing merits briefing and corporate disclosure statements, respectively, impose similar requirements to include stock ticker symbols in the formal listing of parties.

Second, the rules now impose additional duties on respondents to supplement disclosures of involved parties at both the certiorari stage and the merits stage. In a brief in opposition to certiorari, the respondent is newly required to "identify any parties to the proceeding that were not identified in the petition" — "along with their respective stock ticker symbols."

This obligation is imposed even on parties that waive their right to file a brief in opposition to certiorari. While parties previously were able to waive a response to a petition for certiorari by filing the court-provided one-page waiver form, respondents now have a bit more work to do.

The rules now require that a corporate respondent waiving the right to oppose a petition must nonetheless provide a full corporate disclosure statement if the respondent has a parent corporation or a publicly held company owns 10% or more of the corporation's stock. And these parties are now also subject to the court's preexisting requirement, in Rule 29.6, that counsel must promptly notify the clerk when there is a material change in the company's ownership that renders a previously filed disclosure statement out of date.

For cases that the court hears on the merits, moreover, respondents can no longer rely on the listing of parties to the proceeding provided by the petitioners and must now provide their own listing in their own brief on the merits.

Third, in a change that does not relate directly to recusals, but does reflect the court's increasing embrace of technology, the court will now consider a document timely filed if it is filed electronically on the filing deadline — in contrast to the previous rule, which tied timeliness to paper filings.

### **Alignment With Lower Court Practice**

Certain of these rule changes bring the Supreme Court in line with some of its lower court counterparts, perhaps reflecting learnings from the court's promised "examination of best practices, drawing in part on the experience of other federal and state courts."

For example, although the Federal Rules of Appellate Procedure do not require that litigants provide stock ticker symbols, several courts of appeals do. Both the U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Appeals for the Eleventh Circuit require the inclusion of ticker symbols, including for amicus appearances.[3] Perhaps the Supreme Court's adoption of this requirement suggests that other circuits may soon follow suit.

The use of software to automate conflict checking is nothing new, either. Since 2006, the Judicial Conference of the United States has required lower courts to use automated recusal software to conduct mandatory conflict checks.[4] With technological improvements

and, especially, the advent of artificial intelligence, there is likely opportunity to further improve the conflict-checking software that these courts are employing with the hope of detecting potential conflicts earlier and more reliably.

### **Takeaways for Practitioners**

Beginning March 16, careful attention to these new disclosure requirements will be essential for any party appearing before the court. And this is especially true for parties seeking to avoid appearing before the court by opposing — or waiving the right to respond to — a petition for certiorari.

While unlikely, the upshot of these increased disclosure requirements and enhanced conflict-checking procedures may be more recusals by the justices. This, in turn, may mean that the court turns down some cases it might otherwise have considered hearing to avoid deciding a case without a full complement of justices. However, given the robust existing conflict-checking apparatus, any noticeable change in the number of recusals would be surprising.

More likely, even if these rule changes have no impact on the total number of recusals per term, they may help avoid recent last-minute recusals by surfacing potential conflicts earlier and more clearly. Advanced notice of recusals will help ensure that advocates can tailor their briefing and argument to the justices who will ultimately decide their case. And parties with cases before the court can more accurately attempt to forecast their likelihoods of success and plan accordingly.

It is unlikely that these changes are the last word regarding disclosure requirements. Lower courts may pay attention to the Supreme Court's rules changes and — to the extent the changes are relevant — adjust their own disclosure requirements accordingly.

We may see more changes still from the Supreme Court itself as it continues to learn from and study the lower courts' examples.

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[1] [https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices\\_November\\_13\\_2023.pdf](https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf).

[2] [https://www.supremecourt.gov/DocketPDF/24/24-813/391167/20260108162001341\\_Letter%20from%20Clerk%20in%20No.%2024-813.pdf](https://www.supremecourt.gov/DocketPDF/24/24-813/391167/20260108162001341_Letter%20from%20Clerk%20in%20No.%2024-813.pdf).

[3] Ninth Circuit rule at <https://cdn.ca9.uscourts.gov/datastore/uploads/rules/frap.pdf>. Eleventh Circuit rule at [www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/Rules\\_Bookmarked.DEC25.pdf](http://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/Rules_Bookmarked.DEC25.pdf).

[4] [www.uscourts.gov/sites/default/files/document/guide-vol02c-ch04.pdf](http://www.uscourts.gov/sites/default/files/document/guide-vol02c-ch04.pdf).