

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

XVIII. Miscellaneous Judicial Rules

Rule 161. Disqualification of Justices

Cite as: 20 CNCA app. I, r. 161

A. A Justice may be deemed disqualified in any case in which he or she has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his or her opinion, for him or her to sit during any proceeding therein.

B. Any party to a proceeding may request a Justice to withdraw on the grounds of personal bias or disqualification prior to any hearings in the proceedings. Before filing any motion to disqualify a Justice, an "in camera" request shall first be made to the Justice by the moving party seeking to disqualify the Justice. If such request is not satisfactorily resolved within a reasonable time from the time the oral request is made, the moving party may file a written motion with the Supreme Court containing an affidavit, which sets forth in detail the matters alleged to constitute grounds for disqualification. If the Justice does not withdraw from the proceedings, the Justice shall so rule and state the grounds for the ruling on the record and then proceed with the case. A majority of the Justices may review the request for recusal.

Historical Data

SC-AD-13-01, adopted March 27, 2013.