

SUPREME COURT OF THE OSAGE NATION

RULE OF COURT REGARDING

DISQUALIFICATION OF JUDGES

Rule 1. Policy. No Judge should sit in a case wherein the Judge or Justice is not wholly disinterested, impartial and independent.

Rule 2. Any Judge may be disqualified from adjudicating a pending case for one or more of the following reasons:

- a. Bias or prejudice against one or more of the parties;
- b. The Judge is named as a party or an interested party in the pending case;
- c. The Judge has been counsel or attorney for any party in the pending case;
- d. The Judge is a material and necessary witness in the pending case;
- e. The Judge has a direct, demonstrable and specific interest, whether personal, financial, proprietary, or business-related, in the subject matter in of the case;
- f. The Judge is closely related to a party or to a person directly interested in the result of the case.
 - i. For purposes of disqualification or recusal, "closely related" shall mean, by blood, marriage or domestic partnership, a grandparent, parent, step-parent, child, step-child, grandchild, spouse or domestic partner, or sibling.
 - ii. "Directly interested" means the individual possesses a direct financial, proprietary, or business-related interest in the subject matter of the case.
- b. For purposes of disqualification or recusal, "financial" or "proprietary" interests shall not mean ownership or lack of ownership of all or part of a share or shares in the Osage Mineral Estate established by the Act of June 28, 1906 (34 Stat. 539).

Rule 3. The Judge or Judges presiding in a matter shall review the case file for the parties' and attorneys' names, as well as the subject matter of the case to determine whether there are any grounds for recusal. Judges shall recuse themselves when a conflict a present and not waived by the parties, but are not required to recuse themselves when there is no valid reason for doing so.

Rule 4. Any party in a pending case entitled to seek disqualification under Rule2 above may waive the objection, if any, if done in writing and filed in the pending case no earlier than 30 days before a scheduled hearing.

Rule 5. A party seeking disqualification shall timely file a *Motion for Disqualification* setting out therein in a brief in support of the motion the specific grounds and facts relating to disqualification;

Rule 6. The *Motion For Disqualification* may be disputed by the opposing party or interveners by the filing of counter-pleadings within 20 days of the filing date of the *Motion for Disqualification*.

Rule 7. The court shall rule on the motion, in writing, within 20 days of receipt of all pleadings. Said ruling may be appealed by any party in the case as an interlocutory appeal.

Rule 8. In the event of a disqualification, the Chief Justice of the Supreme Court shall appoint a judge *pro tempore* to preside over the matter.

Done this 25th day of June, 2010, in conference. All the Justices concur.

For The Court

A handwritten signature in blue ink that reads "Charles H. Lohah". The signature is written in a cursive, flowing style.

Charles H. Lohah, Chief Justice