

IN THE COURT OF THE
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

COUNTY OF SCOTT

STATE OF MINNESOTA

BARRY WELCH, STACIE D.
WELCH, STEPHANIE SIOUX
WELCH, BRENDA (WELCH)
WILT, STEPHEN P. (WELCH)
WILT, THOMAS W. (WELCH)
WILT, AND VIOLET A.
(WELCH) WILT,

Plaintiffs,

vs.

Court File No. 023-92

SHAKOPEE MDEWAKANTON SIOUX
COMMUNITY, STANLEY
CROOKS, CHAIRMAN, KENNETH
ANDERSON, VICE CHAIRMAN,
AND DARLENE MATTA, SECRETARY
TREASURER,

Defendants.

MEMORANDUM AND ORDER


On April 18, 1994, the Defendants moved me to recuse myself, on the grounds that in 1987, during a time that I served as an attorney for three persons--Kathy Welch, Ronald Welch, and Jim Welch--I took positions in proceedings before the United States Department of the Interior which are directly contradictory to positions taken by the Community in this litigation. I have reviewed the materials presented by the Community, and have decided to recuse myself, not on the Community's motion but on my own. In this manner, the parties are spared the necessity of responding to a briefing schedule, and the Court is spared the necessity of reviewing the attending paperwork.

I was unaware, until the materials presented by the Defendants were called to my attention, that I had taken the positions to which they object; and those positions have not influenced my participation in this matter to date. Nor would they influence my participation in the future, I believe. But, as I stated on the record in case number 038-94 on April 14, 1994, the value of this Court to the Community and its members is entirely dependent on the continued perception, by the Community and its members, that the Court is utterly without bias. Accordingly, the possibility that a contrary perception might arise from the positions I took in 1987 clearly requires that I recuse myself.

ORDER

For the foregoing reasons, the undersigned does herewith recuse himself from further participation in this matter.

Date: April 19, 1994


John E. Jacobson
Associate Judge