

OCT 01 2014

*Lisa Peters*  
CLERK OF COURT / ASSISTANT

IN THE  
HO-CHUNK NATION SUPREME COURT

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Mary Ellen Blackdeer Anwash,  
Appellant,

v.

Ho-Chunk Nation Enrollment Committee,  
Appellee.

Case No.: SU 14-04

ORDER (Declining Recusal)

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On September 2, 2014, the appellant, proceeding *pro se*, filed a motion to recuse each sitting Associate Justice. See *HCN R. Judicial Ethics*, § 4-2(D), available at <http://www.ho-chunknation.com/government/judiciary/judicial-rules.aspx>. Associate Justice Tricia A. Zunker issued a decision on September 19, 2014, in which she declined to assent to a discretionary recusal. *Id.*, § 4-2(C) (identifying extended family relationships as a potential concern meriting disclosure). This justice shares the same degree of consanguinity with Associate Judge Amanda L. White Eagle as does Justice Zunker, and consequently notes his agreement with the principal rationale of the decision. *Order (Denying Mot. to Recuse)*, SU 14-04 (HCN S. Ct., Sept. 19, 2014).

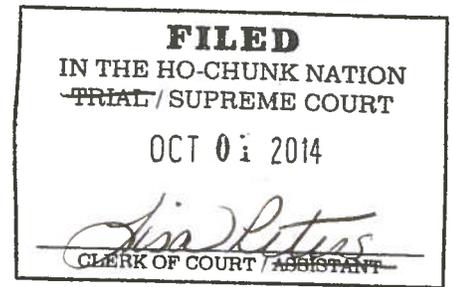
Additionally, this justice notes that he served as the direct administrative supervisor of Judge White Eagle, née Rockman from August 14, 2006, until April 30, 2011, pursuant to legislative appointment. This hierarchical employment structure did not constitute a violation of the tribal nepotism prohibition. EMPLOYMENT RELATIONS ACT OF 2004, 6 HCC § 5.3b, 15i, available at <http://www.ho-chunknation.com/government/legislature/codes-statutes/codes.aspx>. Furthermore, the identity of the Trial Court judge has had no bearing on subsequent appellate consideration, deliberation or determination. Ultimately, a justice “solemnly swear[s] to uphold the Constitution of the Ho-Chunk Nation,” ELECTION CODE, 2 HCC § 6.22b, which includes

“interpret[ing] the Constitution and laws of the Ho-Chunk Nation and . . . mak[ing] conclusions of law.” HCN CONST., art. VII, § 7(a), *available at* <http://www.ho-chunknation.com/government.aspx>; *see also* HCN R. Judicial Ethics, § 2-1. This justice shall not forsake his solemn duty and responsibility, and, therefore, declines to recuse in this matter.

**EGI HESKEKJET.** Dated this 1<sup>st</sup> day of October 2014.



Hon. Todd R. Matha, Associate Justice



**CERTIFICATE OF SERVICE**

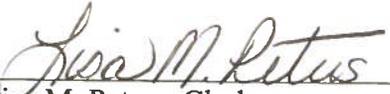
I, Lisa M. Peters, Clerk of the Ho-Chunk Nation Supreme Court, do hereby certify that on the date set forth below, I served a true and correct copy of the **ORDER (Declining Recusal)**, in **Case No. SU 14-04** upon all persons listed below:

By United States Postal Service:

Mary Blackdeer-Anwash  
N7172 Whitehawk Road  
Black River Falls, WI 54615

Wendi Huling  
Ho-Chunk Nation Department of Justice  
P.O. Box 667  
Black River Falls, WI 54615

Dated: October 01, 2014

  
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Lisa M. Peters, Clerk  
Ho-Chunk Nation Supreme Court