

2021 DEC 23 P 12:53

SUPREME COURT OF NORTH CAROLINA


ORDER

Pursuant to the powers conferred by the North Carolina Constitution and General Statutes, the Court hereby determines that with regard to any motion filed with the Court under Rule 37 of the North Carolina Rules of Appellate Procedure seeking the recusal or disqualification of a Justice from participation in the deliberation and decision of a matter pending before the Court, the Court shall assign the motion to the Justice who is the subject of the motion for their determination. That determination shall be final.

As an alternative, any Justice who is the subject of a recusal or disqualification motion filed with the Court may decline to decide the motion on their own and exercise the discretion to refer the motion to the full Court for disposition without their participation. In that instance, a majority of the Court must concur to disqualify a Justice from participating in the deliberation and decision of a case. The determination by the Court shall then be final.

Any Order reporting the disposition on a motion to recuse shall indicate whether it was decided by the Justice who was the subject of the motion or was by them referred to the remaining members of the Court for decision.

By order of the Court in Conference, this the 23rd day of December, 2021.



For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 23rd day of December, 2021.



Amy L. Funderburk

AMY L. FUNDERBURK
Clerk, Supreme Court of North Carolina

Assistant Clerk, Supreme Court of
North Carolina