

TIME _____
CHEROKEE NATION
JUDICIAL APPEALS TRIBUNAL

JAT 98-09-B

Can it be said that the decision was "made by the entire Tribunal" where one assigned Justice carries the workload, conducts the hearings, intimately reviews the pleadings, and then writes the opinion, to be agreed with or dissented from by the other Justices? What standard of review should the other two adopt? When should they get involved? How much time should they have to review the pleadings, insert the commas, review the case law, and contribute to

the opinion? Would this case (and others) be better with a one-Justice opinion and the possibility of an appeal *en banc*?

I found out for the first time the morning of July 24th that the opinion was almost ready. I received all 42 pages by fax, starting after 4:00 p.m. and ending about a quarter till five. I'm told to have my comments in by 7:00 p.m. I cannot adequately do my job without more time and without more notice and without more participation. If I had been out of town or away from a fax machine, it is likely that I would have had no input at all into the opinion. As it is, I am limited to reading it through once, making some notes, and then being given the choice of concurring or dissenting. The opinion indeed reflects two weeks of solid work, but it's much too long and contains much *dicta*. It would have benefitted from editing.

Being a Justice of the Cherokee Nation is similar to being a Councilperson of the Cherokee Nation in at least one respect—it's a part-time job. It is therefore unlike being Chief or Deputy Chief—those are full-time jobs. As a part-time job, but an important part-time job, being a Justice requires balancing various schedules and various priorities in order to do the job properly. Under the current framework of our operations, there are times when I am not allowed to do that. This is one of those times.
